

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 18, 1979

Senate called to Order by the President.

Prayer by Father Valmont R. Gilbert, St. Augustine's Church, Augusta.

Father GILBERT: Almighty and Eternal God gathered together as one body, with Governor Brennan, a former Senator and other visiting Senators. We come to You this morning to ask for guidance. Send upon us Your Spirit of truth and wisdom. Vouchsafe to enter our hearts; teach us what we are to do to bring justice and peace of mind to all who have elected us to the office of Senator. Show us what we are to accomplish in order that with Your help, we may be able to please You and our fellowmen in all things. Be alone the author of our judgments, and never suffer us to disturb the order of justice; let not partiality sway our minds from the way of truth but unite us that we may be one in You. This, we ask in the name of Jesus. Our Lord. Amen.

The PRESIDENT: It is now the Chair's extreme pleasure to introduce to the Senate, though he certainly needs no introduction, one of our more illustrious alumnus, the Honorable Joseph E. Brennan.

Governor BRENNAN: President Sewall, Members of the Senate and Honored Guests to this Chamber. Today is Welcome Back Day and I'm happy to share that event with you by being privileged to open today's session of the Senate.

I see several faces here that I haven't seen recently. Those faces remind me of previous sessions, when I also was proud to count myself among your number, when I also shared the pride and dedication of representing the people of my District and the people of this State. That pride and dedication continue beyond our Legislative Service. The presence of so many former Members of this Senate today is testimony to your continuing interests in Maine Government, and your continuing affiliation with your former colleagues. The State House is your special home.

I am certain you can all remember moments when particularly difficult problems appeared insolvable, when pressure both inside and outside this Chamber tended to polarize positions. Let me tell you that those moments did not end when you left these Chambers, and the business of Government of this State did not become any easier.

Yet, State Government survived and will survive intact. It is a special tribute to former Legislators that our institution of State Government has weathered many storms. I am certain the same statement will be made about this Legislature at future Welcome Back Days.

I am proud to join the Members of the 109th Legislature in extending a sincere welcome and our gratitude to you on this special day. I also wish to issue a special invitation to all former Legislators to drop down to my office before lunch. Thank you very much.

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

Senator KATZ: Mr. President, and Members of the Senate. Welcome Back Day this year comes at a time when the Legislature is grappling with one of our most difficult tasks.

When it comes to making political decisions they are comparatively easy, when it comes to dealing with matters of conscience, it becomes more difficult.

Yesterday most of the day was spent with respect to activity trying to resolve the pending contract with the MSEA and State Employees. It began with a breakfast with the Governor in the Blaine House with the Republican leaders, it continued throughout the day, it lasted well

into the evening.

I sense that everyone is trying very very hard to identify a way to protect our sense of conscience, and yet at the same time move promptly to the funding of a contract for State Employees.

Several different methods of compromise have been mentioned. One of them has been a procedure involving arbitration, one of them involves a Legislative determination, and one of them involves a Judicial resolution to the problem.

At the moment we are very carefully evaluating the proposal from the Maine State Employees involving a Judicial resolution to the problem. There are several ways to approach the court. Republican Leadership which has not and will not lean on any member of its caucus to push them in one way or another, is attempting to put a Judicial resolution in the proper form to get the best possible chance for a fair shake at the basic question we're interested in.

Mr. President, I must say, I did not recognize until now the distinguished Senator Danton in the audience and I'm very pleased that he brings his head and beauty to the task at hand.

It's important that if we do approach the court, and there are members of this Senate who do choose this as there appropriate way of resolving the issue, that we approach in the best possible way.

The Maine State Employees Association is interested in protecting the integrity of the collective bargaining process. While at the same time, we are all interested in the question that contractual provisions are all in accord with existing law. The difficult task for us is the fact that those of us who have expressed our deep philosophical concerns are and have been primarily appalled by the notion that for the first time in the history of this State, it may be possible for a state employee to be fired from his job because he chose not to make a contribution to the Union or to join the Union.

I would urge everybody involved to accept the fact that we are moving in good faith to do what we can to resolve the issue. I am optimistic that by next Monday or perhaps even Wednesday at the latest, we might have an approach to be voted on. The approach will be voted on by each of us in our own conscience, and whether it succeeds or fails will depend upon the individual conscience of each member. Again, by Monday at the earliest and perhaps by Wednesday, I hope we can face up to this issue once more.

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

Senator CONLEY: Mr. President, and Members of the Senate: I appreciate the remarks made by the good Senator from Kennebec, Senator Katz, but I would only remind the Senate that several years ago a Legislature passed a collective bargaining statute. The good Senator from Kennebec, Senator Katz, happened to be a member of this Senate at that time.

I want to assure the majority party of this Senate, that in no way whatsoever will any member of my party, any Democratic member of this Senate, in any way, sell out the integrity of the collective bargaining law. We have felt that with the agreement that was presented to us, that there was a way for any non-union member of the Maine State Employees Association to go to court and challenge the so-called "fair share provision."

I want to see this contract settled, I want to see it expedited as quickly and as rapidly as possible. Neither the Governor's Office, nor MSEA, nor the Democratic Senate is going to sell out the integrity on this collective bargaining statute.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, On the

Record.

Senator KATZ: Mr. President, I wish the Minority Leader had not responded in such fashion. My remarks were conciliatory, and I think that it's important that nobody digs in their heels and says we'll drop dead before we'll do this or that.

I reported to you that every member of the Republican Party is going to be in the position of voting his conscience, it's not a party issue, never been a party issue, the Minority Leader says that the Democrats will vote in a block.

I guess, if I were to attempt to identify the concerns of those Republicans who have voted against State Employees running the risk of being fired, it's a deep concern with the rights of the individual. It's a human rights question with many of the members of the Republican Party. We're not at all impressed by the fact that the majority of State Employees have voted one way or the other, or the majority have voted to join the union.

It does not behove the Democratic Party which has a good record in human rights, to run rough-shod over the rights of the minority, and that's what it's all about. The specter of one State Employee being fired, for no reason other than the fact, that he chooses not to join the union, or make a contribution to the union.

I would urge the Senate, let's not polarize, let's not indicate our bottom line, let's not say what we will refuse to do. Let's stay relaxed and face up to our responsibilities and hopefully dispose of this as promptly as possible.

The PRESIDENT: The Chair is very pleased to welcome several former members of this Body who are in the rear of the chamber, and will introduce them in no particular order of priority. We're very pleased to have you all back with us today, and trust you'll find the proceedings as interesting as they were when you were members.

I'd first like to welcome Jerry Campbell, former President of the Maine Senate. If Jerry will rise and accept the greetings of his former colleagues, it's nice to see you.

Senator Arthur Charles is in the rear of the Chamber, nice to see you back, Arthur.

George Hunt is here with us.

Judge Jim Reid is also back in the Chamber, nice to see you, Judge.

Dan Turgeon, nice to see you back, Dan.

Romeo Boisvert was here, is Romeo with us?

Frank Whitehouse Anderson.

Roland Carbonneau, Senator Carbonneau, over here on the other side, I see two Senators coming through the door, Ed Greeley and Chuck Cianchette. Glad to see you with us this morning.

Neil Bishop is in the rear of the Chamber, former candidate for Governor and U. S. Senate.

Hervey Emery, Wilmont Dow has been with us. I see him over there now.

Phil Dunn, nice to see you back again, Phil.

Frank Norris from Oxford, glad to see you, Frank.

Judge Ben Butler is in the rear of the Chamber, glad to see you, Ben.

Judge David Aldrich from the District Court, nice to see you, Judge.

Waldo and Ruby Clark, who were here many years while many of you were members. Glad to see you both back, Waldo and Ruby.

Ralph Hilton, former Senator Hilton, is back here.

I believe if there are other Senators or former Senators present the Chair will acknowledge their presence in due course. Glad to have you all with us and hope you find the day enjoyable.

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

Senator KATZ: Mr. President, there is a former Member of the House standing behind

here, Richard Ross, who has a special place in my heart or conscience, because it was his resignation and his seat that I filled in the Special Election that got me into this awful mess. He is the husband of our absolutely gorgeous Secretary, and I'm glad to see Richard here.

The PRESIDENT: Would Richard rise and accept the greetings of the Senate, glad to see you here.

(Off Record Remarks)

Reading of the Journal of yesterday.

Papers from the House

Non-concurrent Matter

Bill, "An Act to Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices." (H. P. 624) (L. D. 766)

In the House, April 10, Minority 'Ought to Pass' Report. Read and Accepted, and the Bill Passed to be Engrossed

In the Senate, April 12, Majority 'Ought Not to Pass' Report. Read and Accepted, in non-concurrence.

Comes from the House, that Body Adhered.

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

Senator CHAPMAN: Mr. President, I move the Senate Adhere.

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

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

The PRESIDENT: Is the Senate ready for the question?

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.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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

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 Cumberland, Senator Clark that the Senate Recede and Concur with the House on L. D. 766.

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

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, Danton, Farley, Hichens, Huber, Lovell, Martin, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher.

NAY — Ault, Chapman, Collins, Devoe, Emerson, Gill, Katz, McBrearty, Perkins, Pierce, Shute, Sutton, Teague, Trotzky.

ABSENT — Redmond, Silverman

A Roll Call was had.

16 Senators having voted in the affirmative and 14 Senators in the negative, and 2 Senators being absent, the Motion to Recede and Concur does prevail.

The PRESIDENT: The Chair is very pleased to recognize two additional former members of this Body, former Senator Norman Ferguson, and former Senator Roger Snow, and if these 2 people would rise and accept the greetings of the Senate, we're very please to see you back with us this morning.

Joint Orders

An Expression of Legislative Sentiment recognizing that: Gary Stevens of Lincoln is vale-

dictorian of Mattanawcook Academy in Lincoln, Maine.... (H. P. 1307)

An Expression of Legislative Sentiment recognizing that: Deborah Ann Fish of Lincoln Center is salutatorian of Mattanawcook Academy in Lincoln, Maine... (H. P. 1308)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Committee Reports

House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Provide for Publication of Specimen Ballots." (H. P. 794) (L. D. 994)

Bill, "An Act to Provide a Full-time Investigator for Each District Attorney." (H. P. 598) (L. D. 742)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Permit Certain Private Actions under the Profiteering Statutes." (H. P. 782) (L. D. 982)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Include Independent Contractors within Deferred Compensation Plans." (H. P. 845) (L. D. 1047)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Prohibit Automobile Franchisors from Granting New Franchises within the Relevant Market Area of Existing Franchises." (H. P. 763) (L. D. 983)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Education on, Bill, "An Act to Require Each Town in a School Administrative District to Vote on the District's Budget at a Town Meeting." (H. P. 731) (L. D. 918)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Correct Inequalities in the State Employees Labor Relations Act." (H. P. 378) (L. D. 493)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Clarify the Municipal Public Employees Labor Relations Law." (H. P. 340) (L. D. 439)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Clarify the State Employees Labor Relations Law." (H. P. 347) (L. D. 446)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit Maine Senators to not More than Five Consecutive Two-year Terms, and to Limit Maine Representatives to not More than Five Consecutive Two-year Terms. (H. P. 846) (L. D. 1048)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill,

"An Act to Provide Owners of Certain Property Abutting a Discontinued or Abandoned Town Way Access to Public Roads and Highways." (H. P. 856) (L. D. 1056)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Provide for an Exit Sign at the Orono Exit and at the Stillwater Exit on I-95 to Direct Traffic to the University of Maine at Orono." (H. P. 617) (L. D. 758)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Agriculture on, Bill, "An Act to Amend the Frozen Dairy Products Law." (H. P. 992) (L. D. 1229)

Reported that the same Ought to Pass.

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

The Committee on Agriculture on, Bill, "An Act to Revise the Statutes Governing Chemical Control of Rodents as Agricultural Pests." (H. P. 990) (L. D. 1227)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act Concerning the Powers of the Board of Trustees and the Treasurer of the University of Maine and Concerning Real Property Belonging to the University." (H. P. 793) (L. D. 1001)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act Providing for the Fee for Examination by the Office of State Fire Marshall of Plans for the Construction of Hotels or Motels with 2 or More Stories." (H. P. 958) (L. D. 1188)

Reported that the same Ought to Pass.

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1979. (Emergency) (H. P. 1304) (L. D. 1560)

Reported that the same Ought to Pass Pursuant to Joint Order (H. P. 135)

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

Which Reports were Read and Accepted in concurrence, and the Bills, and Resolve, Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate \$10,000 to the Maine Food and Farmland Study Commission." (Emergency) (H. P. 362) (L. D. 472)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-217)

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

The Committee on Judiciary on, Bill, "An Act Relating to Forfeiture of Bail on Persons Who Have Left the State." (H. P. 304) (L. D. 415)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-211)

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

The Committee on Legal Affairs on, Bill, "An Act to Amend Existing Stumpage Allow-

ance to the Passamaquoddy Indian Tribe." (H. P. 422) (L. D. 517)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-216).

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

The Committee on Public Utilities on, Bill, "An Act to Amend the Safe Drinking Water Act." (H. P. 279) (L. D. 353)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-215).

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.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Revise the Penalty Provisions for the Offense of Speeding." (H. P. 460) (L. D. 573)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

COLLINS of Knox
DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

HOBBS of Saco
HUGHES of Auburn
SEWALL of Newcastle
SILSBY of Ellsworth
CARRIER of Westbrook
GRAY of Rockland
JOYCE of Portland
STETSON of Wiscasset
SIMON of Lewiston

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass.

Signed:

Representative:

LAFFIN of Westbrook

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

The Majority Ought Not To Pass Report Accepted, in concurrence.

The PRESIDENT: The Chair is very pleased to recognize in the rear of the Chamber, another former member of this body, George Cahill. I'd ask George to rise and accept the greetings of his former colleagues, very pleased to see you here this morning.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Extend Conditional Exemption from Utility Deposits to Commercial and Industrial Customers under the Public Utility Law." (H. P. 443) (L. D. 560)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

DEVOE of Penobscot
COLLINS of Knox

Representatives:

CUNNINGHAM of New Gloucester
LOWE of Winterport
BROWN of Livermore Falls
BERRY of Buxton
REEVES of Newport
GAVETT of Orono
VOSE of Eastport

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass.

Signed:

Sensor:

TRAFTON of Androscoggin

Representatives:

McKEAN of Limestone
NELSON of Portland
DAVIES of Orono

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed.

Which Reports were Read.

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

Senator DEVOE: Mr. President, I move the Senate accept the Majority Ought Not To Pass Report and would speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Mr. President and Members of the Senate: At the present time the Public Utilities Statute, Title 35, provides that residential customers of utilities, need not give a security deposit in order to first obtain utility service, unless the utility believes and has some evidence in its possession, that the new customer is a poor credit risk. If LD 560 were Enacted, in its present form, it would extend that same privilege to new business customers, as well.

I'd like to share with you some information. In 1976, General Order 38, was passed. General Order 38 dealt with procedures which a utility could use before it could disconnect for non-payment of utility services. The bad debts, which New England Telephone, for example, had incurred for the 12 months prior to passage of General Order 38, was \$815,000, 12 months after General Order 38 was passed, the bad debts written off were \$1,153,000, and at the end of 1978 the same company was forced to write off \$1,510,000.

It appears that the bill is an effort to cause those who pay their utility bills to subsidize and underwrite those businesses that do not pay their utility bills. For that reason, Mr. President, I move that the Senate accept the Majority Ought Not To Pass Report. Thank you.

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

Senator TRAFTON: Mr. President and Members of the Senate: I would urge you not to Accept the Majority Ought Not To Pass Report and to Accept the Minority Ought To Pass Report.

First of all, I'd like to respond to the good Senator from Penobscot, Senator Devoe, in that he seems to be asking for some concern to be shown for CMP, and their ability to make money in the past years. I would just like to read to you one statement that the head of CMP recently said, E. W. Thurlow and he described the company's profit picture of just about \$30,000,000 and I quote, "as very satisfactory." So although we would hear from the Senator from Penobscot, Senator Devoe, that they have some bad debts, apparently they have been able to go beyond those bad debts to have a very good picture. As a matter of fact, if we deal with another utility, Bell Telephone, Bell Telephone has announced profits of \$40,000,000 on Wall Street. This is the largest profit picture of any corporation in the history of the nation. So I'm not sure, that I have a great deal of sympathy for the utilities in this year of untold profits for them.

But I'd like to speak specifically about the bill, and the reasons that I feel that Small Businesses should be accorded the same privilege that residential customers now have.

First of all, if we allow utilities to collect these deposits, it provides a rather unfair source of money for these Utility Companies, to collect rather large profits on. Utility Companies can draw an interest rate of up to 15% on the total amount of money collected through these deposits, that compares rather unfavorably from what an individual would be able to collect of about 6% on a single deposit.

Now, the Senator from Penobscot, Senator Devoe, is concerned about businesses who might not pay their utility bill, and I would

again call your attention to the bill which clearly states that if any company is considered likely to be a credit risk, then this provision would not have to apply.

Now let's take a look at what is available to the utilities when they would like to check out a potential credit risk. There are any number of ways that a new business can be checked out with regard to their credit picture. First of all, there are a number of names attached to any business, and those individuals can be checked with their credit risks, and there are a number of companies that do this. We have a very modern computer system which can check out credit risks.

We also have a great deal of information available from various credit producing organizations. Some of these credit organizations, as we well know, go as far as to go into our garage to even check out how reliable we are as a credit risk, and certain Supreme Court decisions recently have seemed to evade a portion of a law we passed last year which even gives them more authority to do certain credit checks. So I'm not too concerned about a business being able to be checked out as to whether it is a credit risk or whether it is not a credit risk.

Now finally we hear various testimony that some small businesses fail at an untold rate, and I would just quote to you that the Small Business Authority testified at the public hearing on this bill, that only approximately 5% of small businesses fail out of about a \$100,000,000 portfolio. So indeed, I think those businesses could be identified through the various credit check programs that we have available to us.

I think that many small businesses have a great deal of difficulty when they are asked to make these large deposits, small businesses depend on having a certain amount of cash flow available to them. I think it's unfair to discriminate against them, when they have no record of prior credit risks and no one in their firm has a record of prior credit risk, and I think it's unfair to discriminate against them and ask them to pay these large deposits.

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

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate: I'll be very brief.

I've listened to the good Senator from Androscoggin, speak and I think what she is, in effect, asking the Senate to do is to go on record that businesses who pay their bills should subsidize people who do not pay their bills. Now the way the Public Utility Commission works is that when a utility comes in for a rate increase and it has as an item in its presentation to the Commission an amount of bad debts that has been written off, it has to satisfy the Commission that for the test years shown, that utility has taken reasonable steps to collect bad debts.

Now I happen to be one of the two attorneys in the Senate, and I know that if a business came to my office and asked for some assistance in collecting debts of \$50 or \$100, I would have to tell them that economically it's virtually impossible to do this. Now there may be, so far as the Small Business Administration is concerned, a relatively small failure rate among businesses that it finances, but it seems to me that the amount of businesses that fail is really irrelevant to our argument.

If we want to go on record as saying that customers who pay their bills should subsidize customers who do not pay their bills, then I suggest you can do that by voting for this bill in the Minority Ought To Pass Report. If you want to stand for the principle, that those businesses that might be poor credit risks, can be required, and I want to alleviate a concern that was expressed a few moments ago by the good Senator from Androscoggin. When a new business goes to a utility and discusses the matter of whether or not it will be required to make a

deposit, it is not always cash that need be provided. Some evidence of ability to pay, either in the way of a performance bond, or by providing sureties. Either one of these efforts, if you have a personal performance bond, you do not need to lay out money. A new business that is owned by an individual who has a substantial credit rating in the community and who personally has a good record in paying his bills, very likely the personal guarantee by the owner of the business would be accepted by the utility in lieu of extracting a cash payment.

I don't want the Members of this Senate to be misled, that the word security deposits automatically means the deposit of a significant amount of cash. The usual utility practice is simply to ask for a deposit in the amount of twice the expected monthly bill that is going to be created by the customer.

Mr. President, when the vote is taken I ask for a roll call vote.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: I'm slightly confused on the issue as I read the bill, and the debate that has taken place thus far.

I've heard the Senator from Androscoggin state that 5% of small businesses run into financial problems, thus we're talking about 95% of our small businesses surviving and at least able to meet their bills. So I guess my question or my concern and confusion comes down to the remaining 5% which we are addressing in this bill. And then I would suspect also, the statements that I hear from the Senator from Penobscot, Senator Devoe.

As I read the bill, and I believe that the statutes were not changed that long ago, that we put in at least required that residents or residential customers did not have to pay. I think the same concerns were expressed by the utilities that the good creditors or the good residential customers would end up paying for the bad residential customers.

But I think the statute as written provides a safeguard, a safeguard that we are all concerned with and those who are credit risks is in the statutes now, because if the concern, if I understand the Senator from Penobscot, Senator Devoe, that the other businesses would be picking up that minor percentage, that the utilities themselves would be requiring those 5% or what have we, to put up some type of deposit anyway because they are a credit risk.

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

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

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

The PRESIDENT: The Chair notes in the rear of the Chamber, an immediate past member of this Body who is arriving about his usual time, Senator J. Hollis Wyman. Would Hollis rise and accept the greetings of the Senate.

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

Senator CONLEY: Mr. President, and Members of the Senate. I hope that the Senate would vote against the pending motion. It seems to me that the human cry around not only the State, but across the country is sort of the raw deal that the Small Business man is getting. If its anything they're asking, they're asking for Government to get off their back. I think it would be a good idea if we got some of the Utility Companies off their backs, and I think this bill, precisely expresses itself, in that light.

I've never seen a business that is guaranteed from the day they open. As far as advance, attachment on capital other than through a bank, but to do business with any other business, to have to put money up in advance, seems to me, particularly with such a conglomerate as the utility company, to insure the fact that this Small Businessman is going to make it. It seems to me that the Utility Companies are in business and the little guys are in business and I think that they both should work in the same level so to insure, perhaps make it an easier road for some fellow or some young lady who is going into business, I don't think it is fair to ask them to have to put up this money in advance, therefore I would hope that the Majority Report be defeated.

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

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate, I remember, I just closed my eyes for a second and I thought I was hearing the same debate, that I heard a while back on the extension of this privilege, I guess you call it, to residential customers.

I can remember the debate as the Senator from Penobscot, Senator Pray has pointed out, at that point, and the great fears expressed by the utility companies, that the good residential customers were going to be subsidizing the bad residential customers. When I saw this I assumed briefly, naively, I guess, that the utility companies probably would be in here favoring the bill.

Since we passed that bill, their profits have skyrocketed and maybe something that we did in that piece of Legislation has helped. I certainly don't see any great fear in this, I don't think it's fair to automatically assume, as we do under existing law, that all small businesses, or all people going into business, are bad credit risks. I think that a person should be made to stand on their record, as a residential customer is today, and I don't understand why we should be allowed to continue this kind of discrimination against a person starting a business. Thank you.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Devoe, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Ought Not to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Chapman, Collins, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Lovell, Martin, McBrairty, Perkins, Pierce, Redmond, Shute, Teague, Trotzky.

NAY — Carpenter, Clark, Conley, Najarian, O'Leary, Pray, Sutton, Trafton, Usher.

ABSENT — Cote, Katz, Minkowsky, Silverman.

A Roll Call was had.

19 Senators having voted in the affirmative and 9 Senators in the negative and 4 Senators being absent, the Motion to Accept the Majority Not to Pass Report in non-concurrence does prevail.

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

Senator DEVOE: Thank you, Mr. President, having voted on the prevailing side, I now move reconsideration and ask the Senate to vote against me.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, now moves the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee.

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. Sent down for concurrence.

The Chair would read to the Senate a telegram just received from Olympia Snow, who is a former member of this body, but regrets that "Due to a previous commitment in Washington, this commitment prevents me from attending Welcome Back Day. However, I extend my best wishes to all of you a successful and enjoyable re-union." Olympia J. Snow, Member of Congress.

Second Readers

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

House

Bill, "An Act to Provide for Continuing Education for Real Estate Brokers and Salesmen." (H. P. 1303) (L. D. 1559)

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

House — As Amended

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)

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)

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

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

Senate — As Amended

Bill, "An Act to Provide Birth Certificates for Foreign-born Citizens Adopted by Maine Parents." (S. P. 72) (L. D. 126) (C. "A" S-106)

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

Sent down for concurrence.

Bill, "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships." (S. P. 310) (L. D. 901)

Which was Read a Second Time.

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

Senator PRAY: Mr. President, I submit Senate Amendment "A" to L. D. 901 and move its passage.

The PRESIDENT: The Senator from Penobscot, Senator Pray now offers Senate Amendment "A" to L. D. 901 and moves its Adoption. Senate Amendment "A" (S-110) Read.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I request a Division.

The PRESIDENT: The Senator from Somerset, Senator Redmond, requests a Division on the Adoption of Senate Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: The intent of the Amendment is to remain consistent with the authority that we have given the Commissioner establishing and closing seasons within the State, in relationship with our deer herd and we also give that same authority and power to the Commissioner in reference to fishing season, trapping and what else, and this would just make the entire statute consistent with the rest of Title 12.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "A" to L. D. 901, 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 Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I would

request a Roll Call on this and I'd like to speak on this bill.

The PRESIDENT: A Roll Call has been requested. The Senator has the floor.

Senator O'LEARY: Mr. President, I was aware of this piece of Legislation coming along. There's a number of people in my area and its this area that this bill affects, but it seems to me that one person is responsible for this piece of Legislation that's going to eliminate half of the deer hunting in my whole District.

It's a controversial item and I don't think its a very good conservation measure, and I think that we'd best leave the authority to do what's requested in this bill with the Commissioner of Inland Fisheries and Wildlife.

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 Adoption of Senate Amendment "A" to L. D. 901.

A Yes vote will be in favor of Adopting Senate Amendment "A".

A No vote will be opposed.

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

ROLL CALL

YEA — Carpenter, Clark, Conley, Farley, Martin, Najarian, O'Leary, Pray, Teague, Trafton.

NAY — Ault, Chapman, Collins, Cote, Danton, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBrearty, Minkowsky, Perkins, Pierce, Redmond, Shute, Sutton, Totzky, Usher.

ABSENT — Devoe, Silverman.

A Roll Call was had.

10 Senators having voted in the affirmative and 20 Senators in the negative, and 2 Senators being absent, the Motion to Adopt Senate Amendment "A" to LD 901 does not prevail.

The Bill, Passed to be Engrossed, as amended.

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

Senator DANTON: Mr. President and Members of the Senate: After listening to the good Senator from Oxford, Senator O'Leary make his speech pertaining to this beautiful animal the Deer, I do not see any reason why we need this Bill at all. I would now like to move that the Senate Reconsider its actions whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate Reconsider its action whereby this bill was Passed to be Engrossed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion by the Senator from York, Senator Danton, that the Senate Reconsider its action, 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 17 Senators in the negative, the Motion to Reconsider does not prevail.

Sent down for concurrence.

The PRESIDENT: The Chair is very pleased to welcome in the rear of the Chamber, several distinguished former Members of this Body, but I think first and foremost I'll recognize the former Governor of the State of Maine, and

now a United States Senator, Senator Edmund Muskie, and would ask the Senator if he would care to approach the rostrum and give the Senate his remarks this morning.

The Sergeant-at-Arms escorted United States Senator Edmund Muskie and Former Governor of Maine, Burton M. Cross, to the Rostrum.

Senator MUSKIE: Mr. President, Governor Cross, distinguished visitors, and Senators, while I was never a graduate of this sacred body, as a matter of fact, I never had any temptation to serve in it. In part, because in those years it would have been a very lonely experience, there were only 2 Democrats in the Senate in any case. Now I gather Members of my Party have more company.

I follow your proceedings here, read the papers, and am happy to note that partisanship is once again healthy in this Body, differences of opinion freely expressed, decisions finally made. That makes your job and mine very similar.

I note also the temptation to offer us advice in Washington, so in order to set a proper example I won't offer you any advice. I would like to say, in all seriousness, I think it is important that we communicate between these two levels of Government, you are much closer to the people than we are. Secondly, and as importantly, I think, over the period of my public life, the Federal system has developed into a cooperative kind of an arrangement that on the whole has produced more good than bad for our people.

If you just look at budgets, 22% of State Budgets across the country are now funded out of the Federal Treasury. You'll notice I didn't say Federal Dollars because the dollars belong to our taxpayers. The system has developed in that cooperative way, and I think its been such a healthy development, on the whole, although it needs some cleaning up, the instinct for budgetary prudence and restraint has come along, I think, at about the right time, in our Country's history. I think we need to practice it if we're to re-engage the confidence of our people. I hope that in the process of developing more prudent spending habits, and a more sensitive order of priorities, that we do not destroy the structure of cooperation which has developed between Federal and State Governments, State and Local, and Federal and Local Governments. I think its been healthy, I think it can be improved upon, and the resources that support all 3 levels of government come from one place, the average citizens of our State, and they are in considerable doubt at this point, that we serve them effectively, or even if what we do has much to do with the quality of their lives. I'm sure that confronts all of us with a very important challenge.

So I'm delighted to be here, delighted that you'd welcome a non-alumnus. I used to occupy a job for 4 years in which I was constantly looking over your shoulders from the corner office. The Senate never knew when I was peeking through that glass door to see whether or not things were going along as I would prefer it, here in the House, but on the other hand, in that 4 year period, a Legislature dominated by the Republican Party, I never had enough Democrats to sustain a veto in those 4 years, and yet I had some vetos sustained. On the whole that Legislature went across Party lines to support, well I think, in my second term, almost 90% of my recommendations to the Legislature, and I've appreciated what I thought was a reflection of the underlying instinct, for the positive constructive action which I think is typical of the Maine attitude toward life in general, and toward each other. So this is another opportunity for me to say thank you to that Legislature of long ago, and I gather from the Roll that was called in the other House, that there aren't many here who

were there then, I'm still here.

As a matter of fact, I told the other House, I became a Senior Citizen last week. I guess I'm eligible for that 10% discount at drug stores. I don't think I ought to apply for it because if I do, I'm sure to read an editorial on the subject within a very short time thereafter. In any case I'm glad to be back here at Welcome Back Day and thank you so much for the opportunity.

Applause, the members rising.

The PRESIDENT: The Chair is pleased to welcome a former Governor, Governor Cross, who'll address the Senate.

Governor CROSS: I don't think I'll address the Senate, but I'll talk to you. Ed has given you the philosophical and I'll give you the practical.

I served in the House, as he did, and I know the frustrations they have, that in the last analysis, you always have the last word. 25 years ago we were known as a very tough, hard-nosed Senate, and I seem to believe from what I read, that you're still holding that reputation. Thank you and keep it up, Joe.

Applause, members rising.

The Sergeant-at-Arms escorted United States Senator, Edmund Muskie, and Former Governor Burton M. Cross from the Senate Chamber.

The PRESIDENT: There are several additional former Members of the Senate in the Chamber. We're very pleased to welcome former Senators Sam Hinds, Cy Joly, and Dick Hewes, whom I see in the back of the Chamber.

The Chair also notes the presence of former presiding officer, Nathaniel Haskell, in the rear of the Chamber. Good to see you here this morning, Nathaniel.

George Chick was here a few moments ago. George glad to see you.

The Chair recognizes in the rear, former Senator Roger Dube from Lewiston. Glad to see you Roger.

Judge Silsby and Mayor Williams are in the back of the Chamber.

Enactors

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

An Act to Create a Lake Restoration Fund. (H. P. 734) (L. D. 921)

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

An Act Concerning the Term of Office of Plantation Assessors. (H. P. 651) (L. D. 804)

An Act to Eliminate the Requirement that all Personnel Action for the Judicial Department be Reported to the Commissioner of Personnel. (H. P. 812) (L. D. 1014)

An Act Relating to Guaranty Fund Requirements for Credit Unions. (H. P. 484) (L. D. 614)

An Act Relating to Lines of Credit Authority of Credit Unions. (H. P. 485) (L. D. 615)

An Act Relating to Attorney's Fees when Expenses are Paid in Workers' Compensation Cases. (H. P. 421) (L. D. 516)

An Act to Amend the Excise Tax on Certain Pickup Trucks. (H. P. 763) (L. D. 943)

An Act Concerning Nomination of Candidates for Municipal Offices. (H. P. 8) (L. D. 17)

An Act to Eliminate the Requirement that Judicial Department Payrolls be Approved by the Commissioner of Personnel. (H. P. 813) (L. D. 1015)

An Act to Repeal Mandatory Public Meetings by the State Liquor Commission. (S. P. 289) (L. D. 848)

An Act Exempting Certain Nonconsumer, Industrial Uses of Aerosols from the Statute Prohibiting Certain Aerosols. (S. P. 160) (L. D. 335)

An Act to Regulate the Number of Lobster Traps in Certain Waters of Kittery. (S. P. 159) (L. D. 334)

Which were Passed to be Enacted and having

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

An Act to Ensure the Safety of Minors Participating in Trip Camping. (S. P. 79) (L. D. 168)

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

Senator TROTZKY: Mr. President, and Members of the Senate, I'm concerned with this bill. The intention of the bill, I think is as good as the title would indicate, which is An Act to Ensure the Safety of Minors Participating in Canoe Trips.

Essentially what the bill does, it requires courses be given in order for a person to get a certificate from the Department of Inland Fisheries and Game, before that person could take young people, minors on canoe trips, or the person would have to have experience and then the person would apply by paying for his \$10 permit.

It specifies that courses shall be developed in first-aid, water safety, life-saving techniques and so on. It doesn't specify what the cost is going to be. The concerns I have are that all the courses in the world do not substitute for mature judgment, for a person whose leading young people on either canoe trips or for that matter on mountain climbing trips. I know of one camp in the State, for example, where they had a mountain trip, they climbed a mountain, they had a registered guide there, very qualified, and so on, probably had taken many courses, but in the end he decided to take a couple of students and do some rock climbing, and it was a wet day and one of the students slipped and was injured very badly and could have gotten killed.

On canoe trips the situation is, the major judgment is do you go out on the water or no. If you go out on the water and you have rough weather, and you end up in the middle of the lake, you have to stand a chance of catastrophe.

The bill, itself, if you look at it, talks about it would require one staff member, at least 18 years of age for each 6 campers who are minors. Now a minor can be a young person who is 12 years old, it could be a young person who is 16 years old who are well qualified, in canoeing and swimming and soon, and water safety that you don't need one staff member for each 6 people that age, but maybe when you're talking about young people who are 12 years old, it's necessary for one staff member, for 5 people.

So, I'm concerned that what this bill does, it requires more and more regulations, I'm afraid its not going to accomplish what it intends. Its going to cause more costs to summer camps, and also, as I said before all the costs in the world do not substitute for mature judgment.

I passed out to you an editorial, not an editorial, an article, an AP article, which states what's happening to Maine's Summer Camps. The title is Maine Camps are Folding, Maine is losing 10 a year. Maine is losing its summer camps at the rate of 10 a year, and a University of Southern Maine Researcher says that the State should do what it can to ensure the remaining 200 camps across the State survive.

Camping is an ideal industry for Maine, camps don't pollute, they don't require additional school services, they don't need sewer systems, city water or new roads, and the industry generated about \$46,000,000 in economic activity in Maine last year.

The most important concern I have is what's happening to Maine camps with increased operating costs, its becoming a good judgment for many businessmen who are camp directors to decide to sell off the camp property to land speculators and for real estate. I'm concerned with the industry and I think this bill, although the sponsor I'm sure, has good intentions, that

it's only going to cause more bureaucracy, more costs and probably won't solve the problem. I think the tripping industry in Maine for summer camps has been fairly good, in many years that summer camps have existed in the State.

On Motion by Senator Conley, of Cumberland, Tabled for 1 Legislative day, pending Enactment.

The PRESIDENT: The Chair is very please to recognize some additional former members of this body, and would ask Dick and Sylvia Berry to rise. We consider Sylvia Berry also a member of this body. She was here some years and we are very please to see you both this morning.

The Chair is also pleased to recognize former Senator Albert Elliot from Thomaston in the rear of the Chamber. Would Senator Elliot rise and accept the greetings of the Senate.

Emergency

An Act to Allow the Taking of Certain Claims without a License. (S. P. 166) (L. D. 373)

Emergency

An Act Concerning the Degree of Flammability of Insulation Installed in Residences. (H. P. 412) (L. D. 513)

These being emergency measures and having received the affirmative votes of 27 members of the Senate, 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 Chair laid before the House the First Tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Education — Bill, "An Act to Increase the compensation for Substitute Teachers." (H. P. 3) L. D. 9) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-180) Minority Report Ought to Pass.

Tabled — April 12, 1979 by Senator Collins of Knox.

Pending — Motion of Senator Trotzky of Penobscot 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 sincerely hoped after we had this discussion last week, you would oppose the motion to Indefinitely Postpone this particular bill. As you are well aware, the bill, in its present form, in both branches it was ruled that the amendment put on by the Education Committee was not germane, number 1. So in turn I would hope after the explanation I gave you last week, relevant to this matter, that you would accept the Minority Ought to Pass Report of the Education Committee, which puts the bill in its proper form.

Just a synopsis of what this does at the present time, Mr. President, and Members of the Senate. It allows the teachers who are substitute teachers, who have the baccalaureate degree, and a certificate for teaching in our elementary and secondary schools in the State of Maine, the opportunity of getting a pay increase from the set fee of \$20 per day now presently set since the year 1967 to \$30 a day, which basically is still far below the scale of what a teacher would start off as, as a new teacher out of college.

The correlation I'd like to draw at this particular point, Mr. President, and Members of the Senate is this. Substitute teachers are vitally important to the school systems in the State of Maine. We cannot discriminate against them insofar as salary is concerned. Now \$20 a day at the present time, regardless if anybody feels strongly towards home rule that this should be a local decision is insufficient. The matter is, if a teacher has a family, and she is substituting and has her degree and her certificate to teach

in the State of Maine, by the time she pays the babysitter, withholding, Social Security, and everything else, out of that particular salary of \$20 a day, which I classified previously as infinitesimal, this person is left with nothing, which gives her no incentive or him no incentive to substitute in the school system.

There are many different systems employed in the State of Maine by the various schools and sometimes a teacher will receive a salary of \$20 per day if she teaches 2 days in a class. If she teaches in excess of 3 days in class, the fee then might go to \$25 a day.

But this particular thing has been juggled around so badly that these people have been abused. I would sincerely request that the Senate accept the Minority Ought To Pass Report of the Committee, which sets the salary at \$30 per day.

One final remark, Mr. President. A new teacher coming into our system in the State of Maine starts off at a minimum of roughly \$50 per day not including benefits. You take a person who is doing substitute work at the present time, with 3 or 4, 10 or 15 years experience, I think you can see from that particular point of view, the disparity and inequity that these people are subject too.

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

Senator CONLEY: Mr. President, I would pose a parliamentary inquiry through the Chair. Noticing on the calendar the item as tabled, was Committee Amendment "A" ruled not germane by both presiding officers?

The PRESIDENT: The Chair would answer the Senator that the amendment was ruled as not being germane in the House, the Senate has not yet arrived at the question.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I believe that the Senate President pro tem ruled that amendment was not germane. That is why I moved to Indefinitely Postpone the bill, and would like to speak to the motion to Indefinitely Postpone.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate: The Majority of the Committee would have voted Ought Not to Pass on this Bill, if they knew that the Majority Report would have been ruled not germane.

Essentially what the bill, does, which the good Senator from Androscoggin, Senator Minkowsky is speaking for, is that it mandates an increase in the wages paid to substitutes from \$20. to \$35 dollars per day.

It was the feeling of the Majority of the Committee that it is the prerogative of local school boards, not only to set salaries for regular teachers, but also to set salaries for substitutes. Its an infringement on local control for the Legislature to start setting minimum salaries, but in this case, even increasing minimum salaries for substitutes, many systems are above this minimum \$20 level which is in the law right now.

As I mentioned before, there are many kinds of substitute teachers, and each substitute has to be judged as an individual case. There are substitutes who are certified in a subject area, which they are teaching in, there are other substitutes who are not certified in that subject area, and just maintain order in the classroom and make sure students do the work assigned by the regular teacher.

There are long term substitutes that come in and substitute for a teacher who has to be out for an illness or something, for many months, and there are also short term substitutes who may come in for a day here and a day there.

I feel that this Legislature, basically in the past, in most cases, has stood by the issue of local control in our school systems. I hope that this bill would be Indefinitely Postponed I'm certain that the Majority of the Committee that voted the Majority would now vote Ought

Not to Pass on this bill.

The PRESIDENT: The Chair would advise the Senate that the Chair was in error. This Amendment has been ruled as not being germane by a Pro-Tem Presiding Officer some days ago. The bill was erroneously stamped, but the amendment has been ruled as not being germane by the then presiding officer, in this body.

The Chair recognizes the gentleman from Androscoggin Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: just a point of correction, the bill calls for \$30 a day, not \$35 a day, that the good Senator from Penobscot, Senator Trotzky, indicated. Insofar as local control is concerned we maintain a great deal of local control but the thing is many things are mandated from Augusta and I think this is one particular item that deserves our consideration above anything else we have done. I think the issue, Mr. President, and Members of the Senate, is significantly important to the many hundreds of substitute teachers we have in the State of Maine that it might be worthwhile that we ask for a Roll Call relevant to this issue.

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 Penobscot, Senator Trotzky that LD9 and its accompanying papers 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 — Ault, Chapman, Devoe, Gill, Huber, Katz, Lovell, Perkins, Pierce, Redmond, Sutton, Trotzky

NAY — Carpenter, Clark, Collins, Conley, Cote, Danton, Emerson, Farley, Hichens, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Pray, Shute, Teague, Trafton, Usher

ABSENT — Silverman

A Roll Call was had.

12 Senators having voted in the affirmative and 19 Senators in the negative, and 1 Senator being absent, the Motion to Indefinitely Postpone does not prevail.

Which was Passed to be Engrossed in concurrence.

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

SENATE REPORTS—from the Committee on Legal Affairs — Bill, "An Act to Repeal the State Lottery Commission." (S. P. 172) (L. D. 378) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (S-105)

Tabled—April 12, 1979 by Senator Pierce of Kennebec

Pending—Acceptance of Either Report

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

Senator SHUTE: Mr. President, I move that the Senate Accept the Minority Ought to Pass, as amended Report.

The PRESIDENT: The Senator from Waldo, Senator Shute, now moves that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Minority Ought to Pass, as Amended, Report Accepted and the Bill Read Once. Committee Amendment "A" was Read.

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

Senator CONLEY: Mr. President, I'd pose

the question to the Chairman of the Committee as to the amount of Loss of Revenue that would come to the State?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed the question through the Chair to the Senator from Waldo, Senator Shute, who may answer if he so desires.

The Chair recognizes that Senator.

Senator SHUTE: Mr. President, and Members of the Senate: I believe the revenue is up around \$1,500,000.

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

Senator KATZ: But it could be worse. When this bill was sold to the Legislature, it would have represented at that time, a total loss of \$10,000,000 a year.

Committee Amendment "A" was Adopted. The Bill, as amended, Tomorrow assigned for Second Reading.

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

Bill, "An Act Concerning Issuance and Renewals of Liquor Licenses." (H. P. 316) (L. D. 382)

Tabled—April 17, 1979 by Senator Conley of Cumberland

Pending—Enactment.

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

Senator CONLEY: Mr. President, I move the Senate Suspend its Rules.

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

Is this the pleasure of the Senate?

It is a vote.

The Senator has the floor.

Senator CONLEY: I move that the Senate Reconsider its Action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Conley moves that the Senate Reconsider its action whereby this Bill was Passed to be Engrossed.

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

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

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

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

The Chair laid before the Senate the Fifth Tabled and specially assigned matter:

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

Tabled—April 17, 1979 by Senator Emerson 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 is very pleased to recognize in the rear of the Chamber another former member of this body, Former Senator Paul Couture. Would Paul rise and accept the greetings of the Senate. We are pleased to see you here this morning.

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 17, 1979 by Senator Pierce of Kennebec

Pending—Motion of Senator Trotzky of Penobscot to Reconsider whereby Bill Failed of

Enactment

On Motion by Senator Conley of Cumberland, Retabled for 1 Legislative Day.

The PRESIDENT: The Chair is very pleased to recognize a former Sergeant-at-Arms in this body, and notes the presence of Leland King in the rear of the Chamber and would ask Leland to rise and accept the greetings of many of his former friends and colleagues. I am pleased to see you here this morning, Leland.

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

Committee Report

Senate

Ought to Pass

Senator Perkins for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Appropriations from the General Fund for Current Services and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1980, and June 30, 1981." (Emergency) (S. P. 238) (L. D. 687)

Reports that the same Ought to Pass.

Which Report was Read and Accepted.

The Bill Read Once.

Under Suspension of the Rules, the Bill was Read a Second Time and Passed to be Engrossed. Sent down for concurrence.

(Off Record Remarks)

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

The PRESIDENT: The Chair notes in the rear of the Chamber another former, a recent member of this Body, Dick Morrell. Would Dick like to rise and accept the greetings of his former colleagues. Nice to see you this morning.

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