

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 24, 1979

Senate called to Order by the President.

Prayer by the Very Reverend Richard B. MacLennan, Dean for Maine of the Holy Orthodox Catholic Church.

The Very Reverend MacLENNAN: It's very difficult for any pastor to just pray without the commercial. So I would like to pass on to you that if you take yourself too seriously, you are not taking yourself seriously enough.

Let us pray! O God, who art the unsearchable abyss of peace, the ineffable sea of love, the fountain of blessings, and the bestower of affection: who sendeth peace to those who receive it, open to us this day the sea of Thy love, and water us with the plentiful streams from the riches of Thy grace.

Make us children of quietness, and heirs of peace, and kindle in us the fire of Thy love, sow in us Thy fear, strengthen our weakness by Thy power, bind us closely to Thee, and to each other in one firm bond of unity.

To our rulers and governors on the earth and to this Senate here assembled, to them, Thou, who Lord gave us the power of the kingdom by Thy glorious ineffable might, to the end that they may know the glory and honor given to them by Thee, and be subject to them in not resisting Thy will. To them Lord, give health, peace, concord, stability, that they may exercise the authority given to them without offense. For Thou O heavenly Lord, and King Eternal, givest to the sons of men, glory and honor and power over the things that are on the earth.

May God who seeth all things and who is the ruler of all spirit and the Lord of all flesh, who chose our Lord Jesus Christ, and is through him to be a peculiar people, grant to every soul that calleth upon his glorious and holy name faith, peace, patience, long-suffering, self-control, purity and sobriety, to the well pleasing of his name through our High Priest and Protector, Jesus Christ, by whom be to him glory and majesty and power and honor both now and forever more, Amen.

Reading of the Journal of yesterday.

Papers from the House

Non-concurrent Matter

Bill, "An Act Regulating Hunting with Muzzle-loading Rifles." (H. P. 498) (L.D. 622) In the House, April 6, Passed to be Enacted. In the Senate, April 11, Failed of Enactment. Comes from the House, that Body insisted and Asked for a Committee of Conference.

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

Senator KATZ: Mr. President, I move that the Senate Insist, and Join in the Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Insist and Join in a Committee of Conference, with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

Joint Orders

Expressions of Legislative Sentiment recognizing that: Leone G. Allen of Scarborough has been named New England Agent of the Year by the members of the Independent Mutual Insurance Agents of New England at their 36th annual convention. . . (H. P. 1323)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Joan Benoit of Cape Elizabeth, Maine, a Bowdoin College Senior, has won the woman's division in 2:35.15, the fastest time ever recorded by a woman in the Boston Marathon. . . (H. P. 1322)

Comes from the House, Read and Passed.

Which was Read.

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

Senator TRAFTON: Mr. President and Members of the Senate, sometimes an individual achieves something that is so truly unique and outstanding that I think that it deserves a few words on the floor of this August body, and Joan Benoit from Cape Elizabeth is such an individual.

On Monday, April 16, under gray skies, drizzle, and cool temperatures, she entered the 83rd Boston Marathon, along with 8,000 other contestants. There were approximately 500 women in that field, and Joan Benoit lopped 7 minutes, 9 seconds, off the previous women's record, averaging slightly under 6 minute miles over the course of 26 miles, 385 yards, for a total time of 2 hours, 35 minutes, and 15 seconds.

Joan Benoit is a history major at Bowdoin College, and this was only her second Marathon, that she was running in. Sometimes we're quick to pass over an achievement like this, particularly when Bill Rogers has emerged again as the Superstar of the Boston Marathon, but I would just like to call to your attention, this outstanding achievement, and also remind you of all the hours of training that made this achievement possible for Joan Benoit.

I move passage of this order.

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

Senator CONLEY: Mr. President, and Members of the Senate: April 16th was a great day. It was a bad day, perhaps here for the good Senator from Kennebec, Senator Katz and myself because of the fact that both of us were absent when a very important issue came to this body, and both of us heard about it, read about through the news media; but April 16 also happens to be opening day for the Boston Red Sox at Fenway Park.

One of my other colleagues from the other Body and I drove down to Boston. We thought it would be a very lovely day to see the opening game, and it was a great game, the Red Sox won.

But I think the most amazing thing was, as we exited from Fenway Park, into the heart of Kenmore Square, there was a mass of about 5,000 or 6,000 people all lined along the sidewalks of the street. We only were to find out a few moments later that the Boston Marathon was in process and would be terminating very shortly. So we stood along the street with the crowds for my own curiosity as to whether or not Bill Rogers was going to win the Marathon again this year. We stood there for about 15 minutes, and sure enough, Mr. Rogers went by us and it was really a very warm feeling for everyone of us who stood along the streets and saw the drizzle, and the good Senator from Auburn, Senator Trafton, has pointed out.

But lo and behold, about 20 minutes later, this very young lady came jogging by, little did I know, I'd heard about Miss Benoit, and some of her activities, and running, training, and when she went by I just sort of had a good feeling for her to know that she had gone 26 miles, whoever she was. It was not until I got home that evening and heard on the late news that it was the very fine and talented young lady from Bowdoin and from Cape Elizabeth, and I know that the Senate and the Members of this Legislature wish her well.

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

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate: I think it's important to note in the Record of the Senate, that it is only since 1972 that women have been allowed to run in the Boston Marathon, and because of the outstanding victory of this 21 year old Bowdoin College senior from Cape Elizabeth that I would read into the Record this morning a portion of an editorial

from the Gannett Press.

"Joan Benoit's victory underscores the pointlessness of restricting women athletics to distances shorter than the men in Olympic competition. To quote Joan Benoit, 'Too long men have set limits on women's athletic performance, there should be none. Determination, desire, and ability will determine our future reach.' Coming from Joan Benoit, that's not a mere prediction, it's a fact, for indeed, she is a champion."

Which was Passed, in concurrence.

**Communication
SENATE CHAMBER
President's Office**

April 23, 1979

Honorable Walter W. Hichens
Honorable Luman P. Mahany
Chairmen, Agriculture Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Stewart N. Smith of Exeter to serve as Commissioner of the Department of Agriculture.

Pursuant to Title 7, MRSA, Section 1, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

JOSEPH SEWALL
President of the Senate
JOHN L. MARTIN
Speaker of the House
(S. P. 519)

Which was read and referred to the Committee on Agriculture.

Sent down for concurrence.

Order

An Expression of Legislative Sentiment recognizing that: Mike McGee, a sophomore at Colby College, has been named to the Division III All-American Basketball Squad by the National Association of Basketball Coaches. . . (S. P. 157) is presented by Senator Pierce of Kennebec, Cosponsored by Representatives: Boudreau of Waterville, Jacques of Waterville and Kany of Waterville.

An Expression of Legislative Sentiment recognizing that: Nettie Mitchell, a lifelong resident of Fayette and an active participant in civic affairs in that municipality, celebrated her 93rd birthday on March 23rd and was honored by the citizens of Fayette, who, in tribute to her, proclaimed March 17th "Nettie Mitchell Day". . . (S. P. 518) is presented by Senator Pierce of Kennebec, Cosponsored by Representative Damren of Belgrade.

Which were Read and Passed.

Sent down for 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 Revising the Pauper Laws." (H. P. 776) (L. D. 978)

Bill, "An Act to Dedicate Lottery Revenue to Programs for the Elderly." (H. P. 866) (L. D. 1063)

Bill, "An Act to Remove Duplicating License and Inspection Requirements for Victualers." (H. P. 607) (L. D. 752)

Leave to Withdraw

The Committee on Aging, Retirement and Veterans on, Bill, "An Act Concerning Retirement Benefits Under the Maine State Retirement System." (H. P. 774) (L. D. 976)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Appropriations and Finan-

cial Affairs on, Bill, "An Act to Appropriate Funds to the State Library for the Purchase of 125 Copies of "Our Maine Heritage" by Rita Stadig." (H. P. 686) (L. D. 866)

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 Permitting Businesses to Remain Open on 4 Sundays Prior to December 25th." (H. P. 862) (L. D. 1060)

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 Regulating Motor Vehicle Repairs." (H. P. 965) (L. D. 1209)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Concerning Periodic Tenancy under the Landlord Tenant Law." (H. P. 702) (L. D. 877)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Legal Affairs on, Bill, "An Act to Enable the Establishment of Municipal Police Aid Agreements." (H. P. 1029) (L. D. 1259)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Prohibit Fishing for Atlantic Salmon in any Territorial Waters in this State." (H. P. 491) (L. D. 645)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Provide for a Reduced Fee for Lobster and Crab Fishing Licenses for Residents 60 Years of Age or Over." (H. P. 254) (L. D. 299)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Establish a License Classification and Trap Tagging System for Lobster Fishing." (H. P. 879) (L. D. 1093)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Establish a Two-inch Minimum Size for Soft-shell Clams." (H. P. 192) (L. D. 241)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Remove the Maximum Length for Taking Lobsters." (H. P. 107) (L. D. 116)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act Relating to the Activities of Persons in Public Employment." (H. P. 1146) (L. D. 1408)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Permit Municipalities to Levy a Sales Tax

on Hotel Room Rental, Restaurants and Amusements." (H. P. 648) (L. D. 801)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill "An Act to Provide for Quarterly Collection of the Sales Tax from Retailers having Annual Sales of \$50,000 or Less." (H. P. 478) (L. D. 594)

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 Aging, Retirement and Veterans on, Bill, "An Act to Remove the Limitation on Outside Earnings of Disability Retirement Allowance Recipients." (H. P. 1137) (L. D. 1403)

Reported that the same Ought to Pass.

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Assist in the Use of Foreign Trade Zones." (Emergency) (H. P. 944) (L. D. 1174)

Reported that the same Ought to Pass.

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Authorize a Bond Issue in the Amount of \$2,500,000 for Energy Conservation Improvements for Local Government Buildings and Public Care Institutions." (H. P. 908) (L. D. 1132)

Reported that the same Ought to Pass.

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Require that Certain Information be Provided by Insulation Installers." (H. P. 698) (L. D. 909)

Reported that the same Ought to Pass.

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

The Committee on Energy and Natural Resources on, Bill, "An Act Relating to Mining on State Lands." (H. P. 1001) (L. D. 1247)

Reported that the same Ought to Pass.

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

The Committee on Energy and Natural Resources on, Bill, "An Act Relating to Discharges and Emissions from Nuclear Generating Facilities." (H. P. 268) (L. D. 349)

Reported that the same Ought to Pass.

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Prohibit Regulation of Solar Heating and Cooling Equipment by the Oil Burner Men's Licensing Board." (H. P. 240) (L. D. 285)

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 Sagadahoc County for the Year 1979." (Emergency) (H. P. 1320) (L. D. 1568)

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 Fisheries and Wildlife on, Bill, "An Act to Provide for a Junior Archery License." (H. P. 493) (L. D. 619)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 248).

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

Which Report was Read.

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

Senator CONLEY: Mr. President I move that this Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Indefinitely Postpone L. D. 619, in non-concurrence.

Is this the pleasure of the Senate?

It is a vote.

Indefinitely Postponed in non-concurrence.

Sent down for Concurrence.

The Committee on Transportation on, Bill, "An Act to Clarify Motor Vehicle Registration and Operator Licensing Requirements of Non-residents." (H. P. 198) (L. D. 247)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 246).

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

The Committee on Transportation on, RESOLVE, Providing for a Study to Determine the Need for and Location of an Additional River Crossing Between the City of Bath and the Town of Woolwich. (Emergency) (H. P. 920) (L. D. 1128)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 247).

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

Which Reports were Read and Accepted in concurrence, and the Bill and Resolve Read Once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bill and Resolve, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Establish Physical Boundaries for Deer Hunting Zones." (H. P. 299) (L. D. 394)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 233)

Signed:

Senator:

REDMOND of Somerset

Representatives:

MacEACHERN of Lincoln

TOZIER of Unity

VOSE of Eastport

MASTERMAN of Milo

JACQUES of Waterville

PAUL of Sanford

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

Signed:

Senators:

PIERCE of Kennebec

USHER of Cumberland

Representatives:

CHURCHILL of Orland

DOW of West Gardiner

GILLIS of Calais

PETERSON of Caribou

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

Which Reports were Read.

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

Senator PRAY: I move that the Senate Accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

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

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

Senator PRAY: In reference to L. D. 619, whereby the Senate Indefinitely Postponed, I move we Reconsider.

The PRESIDENT: The Senator from Penobscot, Senator Pray now moves the Senate reconsider its action whereby Bill, "An Act to Provide for a Junior Archery License." (H. P. 493) (L. D. 619) was Indefinitely Postponed.

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.

The Ought to Pass, as amended, Report of the Committee Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read.

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

Senator CONLEY: Mr. President, will someone from the Committee on Fish and Game explain this bill.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any Member of the Senate who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President, and Members of the Senate: In answer to the good Senator from Portland, there was no Junior Archery License in effect when they started this program a few years ago. A father came to me last year, he stood in line, there were 4 or 5 people in front of him at the City Clerk and ordered 3 licenses and the Clerk said that that would be \$22.50 or \$23, and he was shocked. He said I have 2 sons, and I'm taken.

Well, presently they have a Junior Hunting License which is \$1.50 and the Adults License is \$7.50 and he assumed it was the same for archery. This was overlooked by the Department, we checked it out, and they never initiated any Junior Archery License, so they requested that I put in a Bill, which I did, and the Committee accepted it. So we are going to establish a \$1.50 license for the youngsters just like there is for firearms.

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

Senator CONLEY: Mr. President, I think the Committee could very well have pursued the other route and that would be to exempt those youngsters at that age level and not to have to pay any license fee at all for Hunting and Fishing Licenses. It just seems to me to further extract revenues from young kids that in many families, it prohibits them the opportunity of being able to enjoy this luxury, and again its just another monopoly as far as I'm concerned by the Fish and Game Department.

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

Senator KATZ: Mr. President, before the Minority Leader attacks a unanimous Committee Report, I think that he has the responsibility to speak to the Members of the Committee. I have trust in this Committee, and I'm willing to accept their Report.

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Concerning the Issuance of Work Permits and Charging of Fees." (H. P. 670) (L. D. 830)

Reported that the same Ought to Pass.

Signed:

Senator:

PRAY of Penobscot

Representatives:

DEXTER of Kingfield

WYMAN of Pittsfield

McHENRY of Madawaska

TUTTLE of Sanford

BEAULIEU of Portland

FILLMORE of Freeport

MARTIN of Brunswick

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

Signed:

Senators:

SUTTON of Oxford

LOVELL of York

Representatives:

CUNNINGHAM of New Gloucester

LEWIS of Auburn

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

Which Reports were Read.

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

Senator SUTTON: Mr. President, I would move that the Senate Accept the Minority Ought Not to Pass Report, and would speak on the Motion.

The PRESIDENT: The Senator has the floor.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate: The purpose of this particular LD is laudable, and its very simple. It requests that every place that requires that any of our citizens obtain a work permit, out-of-state, that we, in turn, charge people from that State or Country, work permits.

As I say, its a nice idea to protect our people, but this really is a throwback to the Laissez faire times of the business history of our nation. We feel, those of us in the Minority Report, that it would be very difficult to enforce and it really isn't in the best interest of all folks of the State of Maine.

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

Senator PRAY: Mr. President, and Members of the Senate: This is a piece of Legislation that is very familiar to one which we enacted just a year ago, in relationship to the trucking industry. The argument at that time was brought forth by the Maine Truckers that the situation that existed between Maine and Canada was that many of our truckers were going into Canada and could not haul wood or a finished product back out of Canada because of the permit requirement that the Canadian Government was enforcing.

At that time we passed a measure which established reciprocity with Canada on their permit requirements, and this is basically worked out to the benefit of Maine truckers.

This bill is basically the very same thing. There are some situations that do exist where Canadians are hired to build or to do construction work in the State of Maine but to go into Canada, you are required to become basically re-licensed by the Canadian Government, they require the work permits and everything.

This just establishes a reciprocity with those other States or Countries that presently have that same requirement on us. I would ask for a Division.

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

Senator LOVELL: Mr. President, and Ladies and Gentlemen of the Senate: I certainly went along with the good Senator Sutton on this bill, as I signed it Ought Not to Pass. I think it is poor relationship between the United States and Canada, or between Maine and any other

State to charge a work-fee. I don't know how much that work-fee is, it doesn't say. To charge a work fee for that person to come into this State, and be employed in this State, to me is just not good friendliness, is just not what I think that the Lord would want us to have and do. I think that we should go along and kill this bill right at this time.

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

Senator SILVERMAN: Mr. President and Members of the Senate: I come from an area on the Canadian Border, and there always has been a feeling that we on the Maine side of the border cannot work in Canada, but those on the Canadian side of the border can work in Maine, and live on their side of the border.

In my area there is a feeling that it is not unfair to allow Canadian labor to work in the State of Maine and take jobs that might be therefore given to Maine citizens. I do believe along with Senator Pray that if in the Province of New Brunswick they require a work permit, if Americans are to work in that Province, then it is only fair that the Maine work force to require a work permit when Canadians work in our State of Maine. Thank you.

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

Senator PRAY: Mr. President and Members of the Senate: I would just like to follow up the remarks of the good Senator from York, Senator Lovell, in reference to the climate that he is afraid that we may establish by passing this.

All that we are saying in this Bill is that if the other states, or the other country, presently requires or establishes a rule that Maine workers must obtain a permit, then people from those states or that country, would have to do likewise according to the other State's Law. Reciprocity, it is not us establishing the statute it is only if those other states have established or do establish.

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

Senator SUTTON: Mr. President, just one last word on this subject, I think that it is kind of bad for us to start looking at other countries around the world and/or states and saying "Hey if they are going to do this to us then we do that to them," this is not the American way number one.

Number 2 we are not talking just about the problem in Senator Silverman's area or any place else, we are talking about the whole State of Maine.

We are not talking just about truckers we are talking about teachers, we are talking about all the occupations of Maine and we are really going to open a bag of worms if we pursue this.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Sutton, that the Senate accept the Ought Not to Pass Report, 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 14 Senators in the negative the motion to accept the Ought Not to Pass Report does not Prevail.

The Majority Ought to Pass Report of the Committee, Accepted in concurrence. The Bill Read Once, and Tomorrow Assigned for the Second Reading.

(Off Record Remarks)

Senate

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 Extend the Deadline for Filing a Declaration of Candidacy." (S. P. 299) (L. D. 900)

Bill, "An Act to Prohibit any Constitutional Officer from Running for a Statewide or Federal Office during his Term." (S. P. 333) (L. D. 968)

Leave to Withdraw

Senator Hichens for the Committee on Agriculture on, Bill, "An Act to Repeal the Maine Potato Tax." (S. P. 366) (L. D. 1113)

Reported that the same be granted Leave to Withdraw.

Senator Hichens for the Committee on Agriculture on, Bill, "An Act to Create the Maine Potato Board." (S. P. 451) (L. D. 1446)

Reported that the same be granted Leave to Withdraw.

Senator Pierce for the Committee on Election Laws on, Bill, "An Act to Prohibit Out-of-State Contributions for Candidates for State or Certain Federal Offices." (S. P. 332) (L. D. 966)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.
Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Define Employer under the Occupational Safety and Health Law." (H. P. 817) (L. D. 1019)

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

RESOLVE, to Authorize Kennebec County to Develop a Pilot Program for Inmates Incarcerated at the County Jail." (H. P. 301) (L. D. 398)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.
Sent down for concurrence.

House — As Amended

Bill, "An Act to Permit the Advisory Council to the Commissioner of Inland Fisheries and Wildlife to Give Advice on the Approval of Rules." (H. P. 269) (L. D. 355)

Bill, "An Act to Clarify Unit Clarification Procedures under the Municipal Labor Relations Act." (H. P. 216) (L. D. 264)

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

Bill, "An Act to Permit Prosecuting Attorneys to Initiate Petitions for Revocation of Probation." (H. P. 503) (L. D. 611)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.
Senator TRAFTON: I move that this Bill and all of its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, now moves that L. D. 611 be Indefinitely Postponed.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I would request a Division, and hope that the Senate will vote against the Motion.

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

Senator FARLEY: Mr. President, and Members of the Senate: This type of Legislation, I do not believe is needed and I would hope that you would support the Motion of the Senator from Androscoggin, Senator Trafton.

Let me read the Amendment what it says, "Commencement of Probation, Revocation proceedings by a Prosecutor. If a District Attorney, or an Attorney-General has probable cause to believe that a person known to be on probation has committed a new criminal offense he may arrest the person, deliver a summons to the person, file a notice in the court, etc.

What it says is that someone who has committed a crime is on probation, if he is just in the area of a crime that happened or was known to be there, in that area, the District Attorney can pick him up by the collar start proceedings and throw him back in the slammer.

I do not think that we need this kind of Legislation. I know that we have problems out there, but certainly this is not the answer I will tell you right now. I want to ask this Body to support the Motion by the Senator from Androscoggin, Senator Trafton.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone, L. D. 611, 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 York, Senator Farley.

Senator FARLEY: 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 Androscoggin, Senator Trafton, that the Senate Indefinitely Postpone L. D. 611.

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, Clark, Conley, Devoe, Farley, Huber, Najarian, O'Leary, Pray, Sutton, Trafton, Usher.

NAY — Ault, Chapman, Collins, Cote, Emerson, Gill, Hichens, Katz, Lovell, McBreairey, Minkowsky, Perkins, Pierce, Shute, Silverman, Teague, Trotzky.

ABSENT — Danton, Martin, Redmond.

A Roll Call was had.

Senator Huber of Cumberland was granted permission to change his vote from Yes to No.

11 Senators having voted in the affirmative and 18 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Simplify the Requirements for Licensing Certain Clergymen to Perform marriages." (S. P. 287) (L. D. 847)

Bill, "An Act to Provide for Consistent Hours of Operation by State Retail and Agency Liquor Stores." (Emergency) (S. P. 293) (L. D. 854)

Bill, "An Act Concerning Unemployment Compensation Benefits for Employees Formerly Working for a Bankrupt Employer." (S. P. 92) (L. D. 178)

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

Sent down for concurrence.

Enactors

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

An Act to Increase the Compensation for Substitute Teachers. (H. P. 3) (L. D. 9)

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)

On Motion by Senator Huber of Cumberland,

placed on the Special Appropriations Table, pending Enactment.

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

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

An Act to Establish an Advisory Committee to the Commissioner of Educational and Cultural Services Relating to the Firemen's Training Program. (H. P. 173) (L. D. 223)

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 Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices. (H. P. 624) (L. D. 766)

Comes from the House, Indefinitely Postponed.

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

Senator CHAPMAN: Mr. President, I move we Indefinitely Postpone this Bill, in concurrence.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman now moves L. D. 766 be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President and Members of the Senate: We have before us a bill which has had some interesting up and down experience in this Chamber, and has received its down in the Body down the hall.

I would simply remind the Members of this Chamber that Conspicuous Price Posting of Gasoline and Diesel Fuel Prices is a Bill, to quote the good Senator from York, "whose time has come." I would ask that you search your memory as you drive back and forth to Augusta, your visual memory, that is, and notice that as prices go up, conspicuous price posting tends to go down.

This bill simply provides that consumers, the potential fuel purchasers, know what the price is going to be before they turn into that gasoline station. I think that this is, as we say, a consumer measure and that it allows consumers to make a reasonable decision before they experience some of the awkwardness of noticing the price on the pump and feeling that the price is too high and that they can ill afford. Thank you.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I certainly concur that the intent of this Bill is meritorious, but I believe that as it is constructed it is unnecessarily mandating and meddling. The Bill is written, just doesn't plain ask for signing, it asks for all the numbers including the decimal point to be the same size. Which would require a great many signs that currently exist to have to be re-done, probably re-sized. It further calls for the posting of each fuel grade, clearly visible at any entrance to the station, which to me, if it's going to be interpreted the way its written is quite restrictive, and I think, as it is written, it is unnecessarily restrictive and just not necessary.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement of L. D. 766, 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 14 in the negative, the Motion to Indefinitely Postpone does not prevail.

Which was Passed to be Enacted, and signed by the President was by the Secretary presented to the Clerk of the House of Representatives.

Emergency

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

Emergency

An Act to Extend the Deadline for Legislative Determination of Municipal Cost Components. (S. P. 508) (L. D. 1565)

These being emergency measures and having received the affirmative votes of 24 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.

Emergency

An Act to Permit Maine Pharmacists to Fill the Prescription of Nonresident Physicians. (H. P. 784) (L. D. 984)

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

Senator DEVOE: Thank you very much, Mr. President. Mr. President and Members of the Senate: I just have a couple of questions that are based on a reading of the bill, and the 2 amendments that are now on the bill.

As I look at L. D. 984, it appeared to start out to help the pharmacists in communities immediately adjoining the Maine Border in New Hampshire and in New Brunswick. Then an Emergency preamble was added to the bill, by Senate Amendment "A" S-108, and if you look at Committee Amendment "A" with a Filing Number of H-195, you find that the application of this bill significantly has been enlarged from non-resident physicians in border towns, now it applies to physicians licensed by appropriate authorities to practice in the State of New Hampshire, the Province of New Brunswick, or Quebec, and who is practicing in that Province or State.

Now the question and the concern that I have, as I read Committee Amendment "A", this would permit a physician, if he chose to, in Nashua, New Hampshire, which is in the southern section of New Hampshire, to call a pharmacist anywhere in the State of Maine and prescribe a certain medicine or drug for someone who is going to go to that drug store and pick it up.

Not being a pharmacist, I don't have to know what the regulations are today about oral prescriptions being phoned in by doctors, and certainly I always trust the discretion of the local pharmacist when he is dealing with a local physician, be it a medical doctor or an osteopathic physician that he knows, but it seems that Committee Amendment "A" significantly opens up a potential area of danger so that you could have a Maine pharmacist accepting a prescription over the telephone from a physician literally hundreds of miles away either in New Brunswick, Quebec, or New Hampshire. There is a potential here for real danger, because not only are legitimate medicines which have narcotic ingredients, and certainly we all know that the State is becoming more and more deluded with people who are trying every which way to get possession of drugs. We know the incident a month or 6 weeks ago where somebody went into the doctor's office down in Brunswick and forcibly took the doctor down to the drug store to try to get drugs.

I'm just concerned that passing a bill like this permitting Maine pharmacists to accept prescriptions over the telephone from doctors who are hundreds of miles away is going to lead to some danger. Thank you very much, Mr. President.

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

Senator PERKINS: Mr. President, Ladies

and Gentlemen of the Senate: I share with the Good Senator from Penobscot, his concern for the telephone prescription and for that reason the Maine Pharmaceutical Association has said in their code that telephone prescriptions of particularly dangerous drugs or habit forming drugs are not acceptable, the written prescription is the rule.

This was put into this bill in an effort to accommodate those of us or those relatives or friends of ours who have to go for specialty services in Boston and other areas of the country which are not served in Maine, and then have to return to their homes with prescriptions from Boston Physicians or others. Under the present law, as written, these prescriptions are not fillable legally in Maine Pharmacies. Many of us send them out and ask the local physician to counter-sign them, but this becomes awkward if the patient has travelled for a long way and is now on this way home and after having a fatiguing illness or such, finds it uncomfortable to wait for the prescription to be filled, or double checked. So I can only assure the good Senator from Penobscot, while there is a certain degree of hazard, I think the accommodation is worth the hazard to those who travel. The emergency preamble was put on to accommodate the so-called summer industry of Maine where you may, indeed, have prescriptions coming in from the tourist industry, and so this was put on so that we would indeed have this in place for the summer.

It is, no intent of the pharmacy to violate or deviate from their precautionary posture of trying not to enhance any drug trafficking posture whatsoever.

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

Senator DEVOE: Thank you very much, Mr. President, I thank the good Senator from Hancock, Senator Perkins for this explanation of his understanding, but I still would point out to the Members of the Senate, that there is a substantial risk of danger here, and it seems to me that if anyone is going to the doctor in Boston and needs medicine, on his trip back home that he could easily arrange with his doctor ahead of time to have enough medicine to take, for him to get back home without running into physical problems, because of lack of medicine.

I grant you that this may help some of the people, but it seems to me that even without the law, as it presently is proposed being changed, our summer tourist industry hasn't apparently adversely affected a great deal by the absence of this law. I'm very concerned about a law that on the face, I could have voted very easily for L. D. 984, in its form as it was originally printed, because it was limited to border towns physicians.

Portsmouth doctors could telephone prescriptions to pharmacies in Kittery, Edmeston, New Brunswick doctors could telephone their prescriptions to pharmacists across the border, but when you make it possible for a physician in Nashua, New Hampshire to telephone a prescription to a druggist in Fort Kent, I think we're stretching the law considerably. I think the potential for danger here is sufficiently great, to create a problem. For that reason, Mr. President, I move that this bill and its accompanying papers be Indefinitely Postponed.

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

Senator CHAPMAN: Mr. President, I would urge the Senate to oppose the Motion by the good Senator from Penobscot, Senator Devoe.

I might point out that the primary reason for the committee including Committee Amendment "A" as you see it, was in response to testimony at the public hearing which was clear that on these border communities, which the bill is attempting to address, that often times the physician that is in Canada that the residents in the border communities wish to go to, for example, is not in the neighboring commu-

nity. It's two communities in or 3, for the kind of expertise that is necessary in some specialized areas of medicine. The bill, as drafted in its restriction to neighboring communities, would have caused difficulty, not only that, the same feeling of concern existed on the New Hampshire border as well. So the intent of this amendment was to address that issue.

Now admittedly you raise a point where you can go the other extreme, and as you stated, I suppose you could conceive of a situation where you could get a physician in Portsmouth being phoned to somebody in Fort Kent. That's certainly not the intent here.

The intent of this amendment was to address some concerns, legitimate concerns expressed at the hearing, that many of the physicians are not residents in Canada or New Hampshire in the neighboring community, and that we would be restricting our citizens from getting the kind of service that it was seemed they ought to have. I would prefer that if this matter needs to be looked into more, that we defeat the pending motion and that we consider the need for any adjustments but not to kill the bill, which I think has a lot of merit.

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

Senator LOVELL: Mr. President, and Ladies and Gentlemen of the Senate: I've been filling prescriptions for 50 odd years, and before I sold my pharmacy I had 35,000 mail order customers, and doing over \$1,000,000 a year business. All narcotic prescriptions have to be written by the doctor. They can't be filled from the telephone.

Now any normal pharmacist, that has graduated from college, he can tell by looking at the prescription whether or not it is a good doctor, or whether or not it was an MD that wrote that prescription by the wording, the Latin, and the insignia on the prescription. He can definitely tell that it was an MD or an Osteopath who wrote the prescription.

I never had any problem, and I shipped to practically every State in the United States, many prescriptions to Florida. Now, in Florida, you can't have a prescription filled in Florida unless you go to a Florida doctor. So I had many patients in Florida that I shipped to, got their medication from me in Sanford, and I shipped to in Florida all winter.

I don't think this bill really amounts to anything, because I don't really think you've got to have permission to fill a prescription, if the person calls it in from New Hampshire, or wherever it was. I've had doctors call me from many, many miles away, of course, mostly Maine doctors. I knew about all the Maine doctors. So I think this bill although it doesn't amount to much, I think it should Ought to Pass, and I'll go along with the Ought to Pass Report.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate: We have 3 very prominent pharmacists in here, and of course, I don't want to pursue this too much further but its my understanding, that in the State of Maine all MD's are not authorized to write prescriptions for controlled drugs.

How would you control the physicians in the State of New Hampshire from knowing exactly if they are authorized to write prescriptions for controlled drugs that would be utilized by citizens in the State of Maine?

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: In reply to the Senator from Androscoggin, Senator Minkowsky.

No MD that has his license and writes prescriptions, cannot write for a controlled drug, he cannot write for A. Drugs because that is heroine, but B.C.D.E. all MD's that have their

license. Now if their license has been stripped from then it will be published in the paper, chances are that they will go out of business. All MD's, all Osteopaths that have a license can write for controlled drugs.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

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

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

2 Senators having voted in the affirmative and 18 Senators in the negative, the Motion to Indefinitely Postpone this Bill does not prevail.

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

Senator O'LEARY: I move that this item lie on the table for 1 Legislative Day.

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

Senator LOVELL: I would request a Division.

The PRESIDENT: A Division has been requested.

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

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

2 Senators having voted in the affirmative and 18 Senators in the negative, Obviously the Tabling Motion Fails.

The Chair recognizes the Senator from Androscoggin Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: Just a footnote to this particular Bill, you may recall 2 years ago, a very serious problem was brought to light in the State of Maine, relevant to nurse practitioners in Medical Centers in the State of Maine, writing prescriptions for the doctors who never saw the patients that was one serious abuse that we tried to address but the lobby headed by Mr. Cragin at the time was so effective that they killed the entire Bill.

But I just want to bring to your attention, there is a very serious problem here in the State of Maine relevant to the writing of prescriptions, by people who are not physicians, and this goes along the same lines, as I can see a very serious abuse materializing in addition to the misuse of controlled drugs.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: We in York county and I can not say for every county, but we in York county had a nurse practitioner who trained in drugs, and they went around in a mobile to the elderly citizens, who could not get to the doctors office, and they call on them. Then they had a two-way telephone in the mobile, and they contacted the doctors and told the doctors the symptoms and what they thought the symptoms were and then the doctor authorized the prescription, and the nurse called it in to the pharmacist.

When the nurse called in to the pharmacist she told us that she had talked to the doctor and consequently we filled the prescription.

This being an emergency measure and having received the affirmative votes of 22 Members of the Senate, with 2 Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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. (S. P. 238) (L. D. 687)

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: I request that this Bill, be set aside for special consideration. I would not like to be accused of being devious. This is the Part I Budget, and not a word has been said about it in this Chamber.

This is a frugal, even austere, Part I Current Services Budget. It may be under funded in several areas, it may perhaps even be over funded in a few areas, however I feel that it represents a legitimate and real attempt on behalf of the Governor and the Executive Department's Budget Office, to reflect the frugal mood that prevails today.

I think that the Appropriations Committee, on a non-partisan basis wished to respect this reflection of the public mood, and passed the budget intact. This is unusual, I do not think that it has been done since Governor Reed, was Governor, but it is out of respect for a legitimate attempt to curtail governmental spending.

This budget represents a less than 6% increase, in face of inflation in excess of 6%. I think that there is admiration from both sides of the aisles in support of this attempt. The fact that this budget is passing untouched is a reflection of this respect.

If there are any questions, I would be glad to entertain them. However, this budget in all of its 300 or 400 pages of glory, has been before the Legislature, has been before public hearings, for a long long, time. There are no changes. This is verbatim the Governor's recommendation, and if there are any questions I would be glad to try to answer them.

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

Senator COLLINS: Mr. President, I intend to vote for this bill. I simply wanted to make two points.

One is that I think in general there is some under funding of the Judicial Department, I know that the Committee intends to address that question in the Part II Budget.

The other point is that it has been my understanding that Part I Budget attempts in a number of areas to meet the statutory requirements already on the books for funding of various programs.

On many occasions these dollars are somewhat matters of judgment, and discretion, but in a few cases the number of dollars are susceptible to more accurate measurement.

My reason for posing this question to the Chairman of the Appropriations Committee is that, there seems to be some difference of opinion, with respect to the Maine State Retirement System, as to whether the present law, respecting actuarial requirements for funding are being met by the size of the appropriation that is in this particular budget bill.

I am informed, this goes back to when I was Chairman of the Committee on Veterans and Retirement in the 108th Legislature, and I was studying the respective budgetary commitment for the coming year, and review the figures and it would appear to me that this budget is at least \$5,000,000. under funded with respect to the statutory requirements already on the books.

If this is not the conception that the Appropriations Committee has, I think that it would be well that we get it into the record now, it conceives the law, because it may be wise to clarify the law in the future, if there is not a clear understanding of it.

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

Senator HUBER: Mr. President and Members of the Senate: The good Senator from Knox, Senator Collins, has addressed two areas.

One Judiciary, salaries, wages, etc., we have a sub-committee working on this intending to make whatever corrections are necessary, in the Part II Budget or via some of the bills before us.

The Current Services Budget traditionally funds current services and tries to fund them as completely as possible, however, the Governor's Part II recommendations do address a number of current service items, including Education, further recommendations concerning the University of Maine, Mental Health and Corrections and elsewhere.

I think the attempt to pass this budget as present, as I said before, is a measure of respect for the austere nature of this budget. The corrections are I think in this case appropriations to the Part II Budget and the committee will address these items in that document.

Concerning Retirement, the recommendations in Part I, are 6.4 million dollars, in each year, below the recommendations, in this area. Again, I believe this is an area which will be discussed and discussed at considerable length, in the Part II hearings, which have just started.

Retirement as a subject will be specially prone to discussion, because of the possible lack of funding in the last 9 months of this biennium, because of the possible curtailment of Federal Revenue Sharing. This has been used for teachers retirement, and retirement in general is a subject which I feel will be fully discussed, and will be rectified to the extent that is necessary in the Part II Budget.

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

Senator SUTTON: Mr. President, I would like to pose a question through the Chair, to the Chairman of the Appropriations Committee, or whomever.

I have listened to a couple of comments here on this Part I Budget, number one that it is austere and it is reflecting the mood of the people by staying under 6%, but at the same time I hear that it is not just right and we'll take care of it in the Part II Budget.

Are we allowing the Governor to kid the people of Maine and are we kidding the people of Maine, by passing what seems to be an austere budget just to delay all the increases to someplace else? I think that this is the type of thing, that at least the folks I represent think we are pulling on them all the time and I do not quite understand.

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

Senator HUBER: Mr. President and Members of the Senate: I do not think that we are trying to kid anybody, I do think that it is a legitimate attempt to pare government spending. The reason that I say that it may be underfunded is that government expenditures in the past 4 years have increased, at the rate of about 10.8% which is considerable in excess of this Part I recommendation.

There are Part II recommendations and LD's in addition to this. However, the Department heads say that they can live with this budget. I feel that it is worth a good serious try.

If we are going to cure the problem of government growth in excess of the inflationary rates, we have got to start somewhere and I think this is a good start, a fair start and a genuine attempt at doing this.

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair, would like to congratulate and commend the Appropriations Committee. Members of this Body, Senator Huber, Senator Perkins, and Senator Najarian, for what I, personally, know is an extremely hard job and want to congratulate them on a job well done.

Orderes of the Day

The Chair laid before the House the First Tabled and specially assigned matter;

HOUSE REPORT — from the Committee on Judiciary — Bill, "An Act Establishing Penalties for Cutting Timber without the Owner's Permission" (H. P. 434) (L. D. 551) Ought to Pass with Committee Amendment "A" (H-172) Tabled—April 20, 1979 by Senator Sutton of Oxford.

Pending—Acceptance of Report.

On Motion by Senator Collins of Knox, Indefinitely Postponed, in non-concurrence, Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Judiciary — Bill, "An Act to Require that Persons Convicted of Habitually Sexually Molesting a Child under the Age of 14 May be Asexualized." (H. P. 816) (L. D. 1018) Majority Report — Ought to Pass in New Draft Under New Title of Bill, "An Act to Direct the Criminal Law Revision Commission to Study Treatment Alternatives for Sex Offenders." (H. P. 1310) (L. D. 1564) Minority Report — Ought Not to Pass.

Tabled—April 20, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

The PRESIDENT: The Chair would rule that the New Draft L. D. 1564, is germane.

On Motion by Senator Collins, of Knox, Retabled for 2 Legislative Days, pending Acceptance of Either Committee Report.

The Chair laid before the House the Third Tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Judiciary — Bill, "An Act to Provide Restitution to Innocent Victims of Crimes." (H. P. 644) (L. D. 798) M (H. P. 648) (L. D. 801) Majority Report — Ought to Pass the Committee Amendment "A" (H-214) Minority Report — Ought Not to Pass

Tabled—April 23, 1979 by Senator Devoe of Penobscot.

Pending—Motion of Senator Collins of Knox to Accept Majority Report.

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

Senator DEVOE: Thank you, Mr. President, Mr. President, a point of Parliamentary Inquiry, is the bill presently in order to be amended.

The PRESIDENT: The Chair would answer in the negative. The Senate has not as yet accepted the Majority Ought to Pass, as amended Report of the Committee.

Is it now the pleasure of the Senate to accept the Majority Ought to Pass, as amended Report of the Committee?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: I oppose Accepting the Majority Ought to Pass Report of this bill. I had a restitution bill in the Legislature a couple years ago and that bill put the burden of restitution on the criminal, and not on the people in the State.

When I worked on this bill a couple years ago, I had a questionnaire in the newspaper concerning restitution, and I had 92 responses on the questionnaire. The question was, "should the State pay for restitution, or should the criminal pay for restitution." Out of that 92 responses, 86 people said that the criminal should make restitution and not the State, 4 people said the State should, and 2 people didn't care one way or the other.

Now I notice this bill has an appropriation on it of \$113,000 to take care of this little program to start with the first year. I suspect the next biennium it will probably be a quarter of a million dollars.

I know there is some need for money for hospitals for medical expenses to pay for these crimes that criminals have committed against

people. I know the hospitals are in need of this money, and I know the medical doctors around the State are probably in dire need of this money also. Probably it would help on the insurance companies in the State, the people wouldn't have to carry quite so much insurance, that the State would take over this obligation, also.

I seems to me that we're getting into an area that the people in the State are not supporting, and that is an area that the State take over every obligation for the criminal. Right now we pay their attorney fees, we pay for their education if they want to go into a new vocation, while they're getting their room and board, and we take care of their family.

I can't see why we should now start taking over their obligation of paying the medical expenses to the victims of the crime. It seems to me that that ought to be their obligation, they should have some obligation anyway.

I was looking in this new crime report in Maine for 1978. Now, as I understand it this bill will pay for the medical expenses of people of violent crimes. Now last year we had 2,263 violent crimes in the State, and it seems that the \$113,000 that this bill proposes to use for the administration of this, and I guess its only the administration, is only a start. Now this is going to be a program that can go up into \$5,000,000 or \$10,000,000 or \$15,000,000 dollars and I wonder where the money is going to come from to foot the bill for this thing.

Last year we had property crimes of over \$14,000,000 so what will be the next step, that the State pay for the property crimes also. It looks to me like its going to get into a pretty expensive area, and I don't think its an area that the State has any obligation to get into.

Now if you're going to do something to help the victim, and this is certainly designed to do that, let's not forget that the criminal has some responsibility in this State, and for that reason, Mr. President, is it in order to move Indefinite Postponement?

The PRESIDENT: The Chair would answer in the affirmative.

Senator SHUTE: I'll move Indefinite Postponement of the Bill.

On Motion by Senator Katz, of Kennebec, tabled for 1 Legislative Day, pending the Motion of Senator Shute of Waldo.

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

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing that: Penny Moody, a Junior at Wells High School, has been awarded the Class C Basketball Tournament's Good Sportsmanship Award. . . (H. P. 1324)

Falmouth High School won first place in the medium school division in the Third Annual State Championship Math Meet held on April 12, 1979 at the University of Southern Maine and sponsored by the Maine Association of Math Leagues . . . (H. P. 1325)

Edith M. Lake of Wilson, on May 2, 1979, will celebrate, with family and friends, the 100th anniversary of her birth. . . (H. P. 1327)

Lieutenant Dewey A. Martin, Jr. and Detective Peter M. Conley of the Criminal Investigation Division of the Portland Police Department were awarded a Departmental Citation on January 26, 1979, for outstanding police service to the City of Portland. . . (H. P. 1330)

Jim Robinson of Presque Isle, a young farmer advisor, county agent and area potato specialist, has served the potato industry and Aroostook county with great dedication for the past 22 years and through his outstanding work, including herbicide usage, the agronomic aspects of potato storage and production and the formation of co-operative centralized packaging and storage facilities, he has contributed

greatly to his community, county and state. . . (H. P. 1326)

An Expression of Legislative Sentiment recognizing that:

WHEREAS, Linwood E. Palmer, Jr. of Nobleboro served as a Representative to the 93rd, 94th, 106th, 107th and 108th Legislatures and as a Senator in the 95th Legislature; and

WHEREAS, he served with great honor and distinction as House Minority Leader in the 107th and 108th Legislatures; and

WHEREAS, On April 28, 1979, the people of Lincoln County and particularly Legislative District 61 are paying a special tribute to their native son, Linwood E. Palmer, Jr., in recognition of his many years of faithful public service. . . (H. P. 1336)

Comes from the House, Read and Passed.

Which were Read and Passed, in concurrence.

House Papers

Bill, "An Act to Redefine the Term "Political Committee" Under the Election Laws." (H. P. 1332) (L. D. 1579)

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

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

Bill, "An Act to Clarify the Powers of the Masonic Trustees of Portland as to their Authority to Sell Real Estate." (H. P. 1335) (L. D. 1582)

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

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

Bill, "An Act to Extend until July 1, 1980, the Date for the Newport Water District to Purchase the Property of the Maine Water Company." (Emergency) (H. P. 1334) (L. D. 1581)

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

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

Bill, "An Act to Prohibit Unreasonable and Unjust Fuel Charges from Being Passed on to Consumers." (Emergency) (H. P. 1333) (L. D. 1580)

Committee on Public Utilities suggested.

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

On Motion by Senator McBairty of Aroostook, referred to the Committee on Public Utilities, and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Senator Najarian 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.

On Motion by Senator Pierce of Kennebec, adjourned until 8:30 o'clock tomorrow morning.