

# 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 25, 1979

Senate called to Order by the President.

Prayer by Reverend Barry Fearon, First Baptist Church of West Gardiner.

Reverend FEARON: Let us pray! Our heavenly Father, we pause now before the session begins to give honor and due praise to you in recognition of your supreme authority over our decisions.

We thank you this morning for your mercy, your grace, and your love which was revealed in your son, the Lord Jesus "For you loved this world so much you sent Him into the world, that whosoever should believe in Him should not perish but have everlasting life."

We praise you this morning for the opportunities of serving you here in this world, and for those who are here in this room to serve you, for this State. You've asked us to pray, Thy Kingdom come, and that is our prayer this morning that you would bring that kingdom to a realization, with the coming of Christ.

We thank you for the access we have to you through His name, into the heavenly glories above. Thou has put man in authority until the time that your kingdom is set up and we pray this morning for those who do have authority, but we also are concerned with what is taking place in our State Capital today.

The Bible says that the powers that be are ordained of God. Render therefore to all their dues, tribute to whom tribute is due, custom to whom custom is due, and fear to whom fear is due, and honor to whom honor is due.

Father today we ask your blessings upon everyone in this room, that their decisions will be ordained of you. We have been warned that in the last days that men will despise dignities and will despise governments, so we pray that peace will rule, and order will rule today.

We ask these things in the name of Jesus Christ. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

Bill, "An Act to Eliminate the Jurisdiction of the Maine Milk Commission over 1/2 Pint Containers of Milk. (H. P. 482) (L.D. 613)

In the House, April 18, Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-212).

In the Senate, April 19, Majority 'Ought Not to Pass' Report, Read and Accepted, in non-concurrence.

Comes from the House, that Body Insisted.

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

Senator HICHENS: I move that the Senate Adhere.

The PRESIDENT: The Senator from York, Senator Hichens now moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that the Senate Recede and Concur, and I'd like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator CONLEY: Mr. President and Members of the Senate: This bill before us today is not a partisan issue, nor is it an attempt to vote on the future of the Maine Milk Commission. It is an issue of taxpayers dollars, and the issue of equity by the State in dealing with Governmental Institutions, and I'll take the second issue first.

State policy has always been to exempt State and Federal Institutions from milk price controls, yet, local schools are required, if the

Commission desires to pay the artificially high prices set by the Commission. I think it's only equitable that schools that are mandated to sell milk, be exempt from regulation, so that they can buy 1/2 pints at the lowest possible cost. This is certainly good fiscal policy for Local School Boards.

If milk were regulated the extra cost would be \$1,000,000 to the property taxpayer of this State. Regulation of 1/2 pints is under the thumb of the Maine Milk Commission who can consider the issue at any time during the year, in fact, last year the Maine Milk Dealers requested hearings twice on this issue.

I understand that the Commission has agreed not to re-regulate the 1/2 pints, but this could be a temporary rather than a permanent agreement. I suggest we make it permanent by making it part of the statutes rather than leaving it to the whim of the Commission.

The clear issue here is that School Boards set their budgets for milk purchases, yet they could very well undergo hardship should the Commission decide thereafter, to re-regulate. When the Commission did not regulate 1/2 pints 3 years ago, school systems were paying 10 1/2¢ per container, for 2,000,000 1/2 pints. Since price bidding was allowed, the price declined and consumption increased, saving the City of Portland, for example \$50,000, while increasing 1/2 pint consumption by 500,000 1/2 pints.

If you are concerned about the effect of this exemption on dairies and farmers, there would be none. School milk sales account for only 6% of the total sales. If it is the policy of this State to encourage kids to drink milk and to mandate that it be the only beverage sold in the schools, then I feel it only appropriate that we allow schools to purchase it at the best possible price, without the chance of re-regulation hanging over their heads. More importantly, the Commission would still have the authority over the quality of milk sold, and no farmer would be harmed. Therefore, Mr. President and Members of the Senate, I would hope that the Senate would vote to Recede and Concur with the House.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate: I guess over the past 14 years, I'm one of the few Democrats who's been a constant advocate of the Maine Milk Commission, but as time goes on I'm starting to have second thoughts after talking to some various dairy farmers in the State of Maine.

It does not necessarily mean I'm changing my position on the Maine Milk Commission, but in this particular part of this bill, several letters have come to me, and one in particular, which addresses my own community, was an evaluation of this bill which briefly states in one single paragraph, "it is my understanding that the Maine Milk Commission presently has the power to consider setting the minimum price for 1/2 pint containers of milk and may rule on this price each quarter. To date, school departments have been successful in persuading the Commission not to set a minimum price. Currently we pay .0999¢ per each 1/2 pint container of 2% milk, which is low-fat milk, and .1049 for each 1/2 pint container of regular milk."

These prices were the result of competitive bidding last summer. Had the commission set the prices at .2150 per 1/2 pint earlier this year, it would have increased ours and the parents' cost by .0251 and .0201 per container. Since we purchase approximately 1,300,000 1/2 pint containers each school year, the cost would have increased by about \$28,000. Removal of Commission jurisdiction would permit competitive bidding which generally results in lower unit price costs."

I'm going to vote this morning, Mr. President, and Members of the Senate, to keep this bill alive for a little longer period of time, so I

can run a further evaluation on this particular matter, so that I'm doing the right thing on behalf of the farmers in the State of Maine who are quite substantial in my Senatorial District, as well as the people who are paying the additional costs, for the 1/2 pint containers, meaning the parents.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I appreciate the remarks of the good Senator from Cumberland and the good Senator from Androscoggin; but I would like to correct a couple of statements that were made by the good Senator from Cumberland, in which he said that the Commission has no jurisdiction over the quality of milk. They certainly do, and that is one of the concerns that I have, that if we repeal their right or eliminate their jurisdiction that we are also endangering the quality of the milk which would be given into our schools to our youngsters.

At the present time the Commission does not control the prices of milk, that is, that they have not set the regulations for it. They do not have any intentions, but this is a protection. I feel that if it should come to the time that they do regulate them and we feel it's out-of-order, that all we have to do is to put the bill in, an emergency bill, and we could eliminate them right off the bat.

The fact that they have the hearings every once in a while are by requests, not ordinarily quarterly, but if somebody does make a request they are forced by law to have a hearing on it. They have not exercised that right, I do not see any intention that they would, but I think for the good of our youngsters in the schools, that for the quality they receive, that we should retain our Milk Commission authority.

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

Senator NAJARIAN: Mr. President, Members of the Senate: This bill would make treatment of our local public schools consistent with the way the State treats State and Federal Institutions, which purchase 1/2 pints of milk. In other words, there is no reason that schools should not be exempt if other institutions are statutorily exempt, and can competitively bid for their milk.

Regulation or the constant possibility of regulation of 1/2 pints of milk by the Maine Milk Commission can cause problems with school budgets after they've been adopted. Presently the Commission can hold hearings to re-regulate at any time they are requested to do so, and they have been requested to do so by the Dairies with great frequency. They held hearings twice last year, and once this year. Once a school budget is set, it is certainly burdensome for Maine communities to attempt to add to these budgets. Had re-regulation occurred at the recent hearing, milk costs for schools would have risen by \$1,000,000.

This is not an attempt to eliminate the Milk Commission through the back door. It is an attempt to provide equity among Federal, State, and Local Institutions, regarding 1/2 pint exemptions and to assure local School Boards that they will not have to undergo the hardships that can accompany re-regulation of 1/2 pints during the school year.

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

Senator CONLEY: Mr. President, to make sure that the Record is set, I believe I stated very clearly that the Commission would still have control over the quality of milk sold. I just believe that it is solely and purely an issue of equity as to whether or not we are going to recognize schools of the State of Maine in the same category as any other State or Federal Institution. As to whether or not the taxpayers of this State are going to be held hostage in the middle

of a school year when the price could very well be increased by the Commission, and throw local budgets into a frenzy.

When the vote is taken, Mr. President, I request 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 Conley, that the Senate Recede and Concur with the House.

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, Chapman, Clark, Conley, Farley, Gill, Minkowsky, Najarian, Pray, Teague, Trafton, Trotzky.

NAY—Ault, Collins, Devoe, Emerson, Hichens, Katz, Lovell, McBairty, O'Leary, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Usher.

ABSENT—Cote, Danton, Huber, Martin.

A Roll Call was had.

12 Senators having voted in the affirmative and 16 Senators in the negative, and 4 Senators being absent, the Motion to Recede and Concur does not prevail.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move we Insist and ask for a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now moves that the Senate Insist and ask for a Committee of Conference with the House.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I would ask for a Division on the Motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Insist and Ask for a Committee of Conference, please rise in their places to be counted.

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

14 Senators having voted in the affirmative and 14 Senators in the negative, the Motion to Insist does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, it's always, I think, applicable to throw a little levity upon the Maine Senate, and this very simple little bill, that is already re-regulated, as far as the Commission is concerned, I start thinking of the Maine Milk Commission, the abolishment of the Maine Milk Commission coming through, we can't get a ½ pint through, I don't know how we are going to get a dairy through here.

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

Senator KATZ: Mr. President, this bill is not in any dangerous posture to anybody. I move the Senate reconsider its action whereby the Motion to Insist and Request a Committee of Conference failed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate Reconsider its action whereby the Motion to Insist did not prevail.

Is this the pleasure of the Senate?

It is a vote.

The pending question before the Senate is the motion by the Senator from Kennebec, Senator

Pierce, that the Senate Insist and ask for a Committee of Conference with the House.

The Chair will order a Division.

Will all those Senators in favor of the Motion to Insist and ask for a Committee of Conference, please rise in their places to be counted.

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

17 Senators having voted in the affirmative and 12 Senators in the negative, the Motion to Insist and ask for a Committee of Conference with the House, does prevail.

#### Non-concurrent Matter

Bill, "An Act to Prohibit Hunting of Bear with Dogs and to Prohibit Hunting Bear with Bait." (H. P. 457) (L. D. 570)

In the House, April 20, Bill substituted for the Report and subsequently Passed to be Engrossed as amended by House Amendments "A" (H-199) and "C" (H-218)

In the Senate, April 23, 'Leave to Withdraw' Report, Read and Accepted, in non-concurrence.

Comes from the House, that Body Adhered.

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

Senator REDMOND: I move to Adhere.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Huber.

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

The PRESIDENT: The Senator from Cumberland, Senator Huber, moves that the Senate Recede and Concur.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, the Senator from Somerset requests a Division.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now requests a Division on the Motion to Recede and Concur.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I would hope that the Senate would Recede and Concur with the House. It seems to me the only thing we're not doing here is building fences around these bears, and making them just an open slaughter on the market.

I believe in some sort of gamesmanship and sportmanship, but when we start having to lay raw meat out in front to attract the bears to come, so some guy can get up in a tree and then level a muzzle on them, I think the Maine Senate has gone just a little too far, and I would hope that we would pass this bill and put an end to this slaughter.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I really think there's a greater or higher question here than the actual bill itself. I think it's the manner, the Legislative process and the manner, in which this bill comes before us.

If you look at it, you'll see, look at the report on the calendar this morning, you'll see that the sponsor of this bill agreed to Leave to Withdraw. I think the whole Legislative process here, the Committee process, which we all consider to be very important, is something we all ought to take a look at this morning.

I think that we might establish a very dangerous precedent this morning if we allow this Leave to Withdraw Report to come back in front of us. In the future any sponsor that sees that they're going to get a less than favorable report out of the Committee, will say, well, I'll take Leave to Withdraw, and then because it's an emotional issue, perhaps that I can get some people behind, I'll wait and bring it back up on the floor of the Legislature.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: Yesterday I was sort of chastised by the Majority Floor Leader for going after the so-called unanimous Committee Reports. I'm not going to criticize any particular committee, but I do have sort of a vengeance for the Committee on Fish and Game, and it's been well known in these Chambers for a number of years. Certainly I apologize to the good Senator from Cumberland, Senator Usher, it happened to be his bill yesterday that I was taking my vengeance out on.

But I have had from time to time, discussions with members of some of the Joint Standing Committees and sometimes we do get the unanimous committee reports upon the floor of both Houses, but when you review as to how the committee actually voted, you find that when the vote was taken, on many occasions, there were 4 members or 5 members of the committee present. I don't question that, I'm sure that the Clerk or even possibly the Chairman of the Committee have gone from one member to another trying to chase them down, to see what their reaction is.

But I'd like the good Senator from Aroostook, Senator Carpenter, to know that we have a Malpractice Insurance Act on the books today because of the fact there was a Leave to Withdraw Report of the committee whereby they substituted the Bill for the Report and the language was properly inserted and legally so, in this Chamber, and accepted in the other Chamber.

I haven't had the opportunity to look at the sponsor of this bill, but if it's the sponsor from Brunswick, it's my understanding that she is solely in favor of this bill. I believe it was her who made the motion to substitute the Bill for the Report in the other Body, I don't know for sure, but again it makes good common sense that we put an axe to this very bad practice that is now going on.

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

Senator HICHENS: Mr. President and Members of the Senate: The good Senator from Cumberland has just hit on the point that I was going to bring out, the fact that the sponsor of this bill was very irate when the Leave to Withdraw Report came out, because she claimed that she was never consulted as far as the Leave to Withdraw. That is the reason the other Body went along with her request and substituted the bill for the report.

I don't know what happened in that Committee, but I know that she came to me and she was very much upset that the report had come out, because she had never given, in her own words, given permission for the Leave to Withdraw Report, so I think in all fairness to the sponsor that we should consider the bill instead of the report, and do some action on it.

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: Representative Antoinette Martin of Brunswick did indeed sponsor this measure, and the Committee on Fisheries and Wildlife did report this bill out with a Leave to Withdraw Report.

Personally, I think that Representative Martin exhibited what is called, rather nifty legislative and parliamentary procedure, and certainly there are tomes of Legislative history that would reflect that similar actions have occurred previously, so for that I would commend that gentlewoman. As a matter of fact, I might even try it myself someday if I knew that a committee would respond negatively to my bill, and as a matter of courtesy give me a Leave to Withdraw on a measure.

That aside, I find that in today's hunting circles with supersonic rifles, telescopic scopes, and walkie-talkies, and don't forget the vivid orange, that the baiting of bears in order to lure them closer to the site of kill is reprehensible.

sible. I find it indeed unsportsmanlike, but I have to put my personal philosophical position aside. Hunting bear is big business for many of the citizens of this State, and the constituents in my area have encouraged me and educated me as to the economic impact of this so-called sport on many of the inland areas of the State of Maine, and it is because my constituents do not want this bill that I suggest that we do not vote to Recede and Concur this morning.

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

Senator KATZ: Mr. President, would the Chair refresh my memory, are we planning on adjourning in 30 minutes, and that's how much time we have to finish the calendar this morning.

The PRESIDENT: The Chair would answer the question more or less in the affirmative.

Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Huber, that the Senate Recede and Concur with the House?

A Division has been requested.

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

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

8 Senators having voted in the affirmative and 19 Senators in the negative, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

#### Communications HOUSE OF REPRESENTATIVES

April 24, 1979

Honorable May M. Ross  
Secretary of the Senate  
109th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee on Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Permit Deer Hunting with Muzzle-loading Rifles" (H. P. 39) (L. D. 25)

Mr. DOW of West Gardiner  
Mr. MacEACHERN of Lincoln  
Mr. PETERSON of Caribou

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### HOUSE OF REPRESENTATIVES

April 24, 1979

Honorable May M. Ross  
Secretary of the Senate  
109th Legislature  
Augusta, Maine 04333  
Dear Madam Ross:

House Paper 18, Legislative Document 12, AN ACT to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question 'Shall this Bill become law notwithstanding the objections of the Governor?'

Eighty-seven voted in favor and fifty-five against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on file.

#### Order

An Expression of Legislative Sentiment recognizing that:

Howard F. Stultz of Westbrook, founder and owner of Stultz Electrical Works, celebrates his 99th birthday on April 28, 1979. . . (S. P. 521) is presented by Senator Usher of Cumberland, Cosponsored by Representative Laffin of Westbrook.

Which was Read and Passed.

Sent down for concurrence.

#### Orders

On motion by Senator Pray of Penobscot, ORDERED, the House concurring, that the Joint Rules be amended by adding at the end of Joint Rule 13, the following new paragraph:

**Each joint standing committee, except the Committee on Appropriations and Financial Affairs, shall report out each bill or resolve referred to it within 5 legislative days following the day that the bill or resolve is publicly heard.**

(S. P. 522)

Which was read.

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

Senator KATZ: Mr. President I am surprised to see this on the Calendar this morning. All 10 members of Leadership have been wrestling with the difficult question of getting the Bills out. This is apparently a unilateral solution which is not suitable, I move Indefinite Postponement.

On Motion by Senator Katz of Kennebec, the Order was Indefinitely Postponed.

On motion by Senator Pray of Penobscot, ORDERED, the House concurring, that the Joint Rules be amended by repealing Joint Rule 22 and inserting in place thereof the following:

**22. Bills or resolves with unfavorable reports placed in legislative files. Any bill or resolve which bears a favorable report signed by less than 3 members of the committee to which it was referred or a unanimous ought not to pass report by that committee shall, upon notification of that action to both Houses, be placed in the legislative files. No further action shall be taken following that disposition unless the bill or resolve is recalled for reconsideration by a vote of two-thirds of both Houses.**

(S. P. 523)

Which was Read.

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

Senator KATZ: I move Indefinite Postponement.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that this Order be Indefinitely Postponed.

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate: I know that these Orders aren't going anywhere, but this is an area that Leadership should strongly look into. I was in Leadership for three terms, 6 years, and the way that the Committees are run now, we all know is a sham.

Bills go in there, they stay there, they never get out. One signature can get it out on the floor for debate. I know that this order is going to be defeated, the Majority Leader has the power to do that this morning, and I am going to support him defeating it. I still want to voice and give my opinion that Leadership some day should do something to get this Legislature moving.

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

Senator KATZ: Mr. President, I love this Order, I hope that the sponsor would permit me to amend it to 4 or perhaps 5. It might be fun to see what happens down the other end. We tried with the same Joint Order with a 2 in it 2 a little earlier. Mr. President, I withdraw my motion for indefinite postponement on the pending question.

The PRESIDENT: The Senator from Kennebec, Senator Katz, requests Leave of the Senate to Withdraw his Motion to Indefinitely Postpone this Order.

Is this the pleasure of the Senate?

It is a vote.

The pending question is passage of SP 523. Is it now the pleasure of the Senate that this Joint Order be Passed?

The Chair will order a Division.

Will all those Senators in favor of the passage of this Joint Order, please rise in their places to be counted.

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

18 Senators having voted in the affirmative and 7 Senators in the negative, the Joint Order was passed.

Sent up for concurrence.

Senator Pray of Penobscot, was granted unanimous consent to address the Senate, On the Record.

Senator PRAY: Thank you Mr. President. Mr. President and Members of the Senate. I realize from the remarks from the Majority Floor Leader, earlier today that we are limited in our time, but also if we check the Legislative calendar we will find that we are also limited in our time of the Legislative Session.

I would just like to point out of the existing Joint Rules, Joint Rule 21: Reports of Committee. All bills and resolves referred to committee during any first regular session shall be reported out of the committees by 1 p. m. on the last Friday of April or by such later time as may be fixed by the Legislative Council.

That last Friday of April is approximately 2 days away, and many committees have a number of Bills in them, and I for one as a member of leadership will not vote to extend that time.

#### 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 a Legislative Management Audit of the University of Maine." (H. P. 791) (L. D. 990)

Bill, "An Act to Permit School Administrative Units to Grant Leaves of Absence Without Loss of Contract Status to Teachers who are Elected to County or Local Office." (H. P. 789) (L. D. 989)

Bill, "An Act to Reduce the Total Debt Service and Interest on School Construction in any One Year from \$30,000,000 to \$20,000,000." (H. P. 904) (L. D. 1129)

Bill, "An Act to Provide Representation Based on Population to the Various Regions of Maine on the University of Maine Board of Trustees." (H.P. 790) (L. D. 995)

#### Leave to Withdraw

The Committee on Agriculture on, Bill, "An Act to Establish the Maine Potato Industry Promotion Board and to Set the Potato Tax at \$.0125 per Hundredweight." (H. P. 1233) (L. D. 1544)

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 Concerning School Principals." (H. P. 264) (L. D. 340)

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 Concerning State Reimbursement for Private School Transportation." (H. P. 947) (L. D. 1178)

Reported that the same be granted Leave to Withdraw. Comes from the House, the Report

Read and Accepted. Which Reports were Read and Accepted, in concurrence.

#### Ought to Pass

The Committee on Health and Institutional Services on, Bill, "An Act to Conform the Health Maintenance Organization Act of 1975 to the Maine Certificate of Need Act of 1978." (H. P. 1142) (L. D. 1395)

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

The Committee on Health and Institutional Services on, Bill, "An Act to Clarify Transfers from County Jails to the Correctional Facilities." (H. P. 1123) (L. D. 1393)

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

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Division of Probation and Parole." (H. P. 1165) (L. D. 1430)

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

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Transfer of Prisoners to Federal Penal Institutions." (H. P. 1166) (L. D. 1441)

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

The Committee on Health and Institutional Services on, Bill, "An Act to Clarify the Uniform Act for Out-of-State Parolee Supervision." (H. P. 1164) (L. D. 1438)

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 Prohibiting any Person from Selling or Offering for Sale or Exchange to a Minor any Product which Seeks to Imitate an Alcoholic Beverage by Looks, Taste and Smell." (H. P. 826) (L. D. 1024)

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

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

The Committee on Labor on, Bill, "An Act to Require the Disclosure of Relevant Information in Workers' Compensation Rate Filing Proceedings." (H. P. 605) (L. D. 760)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-254)

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

The Committee on Marine Resources on, Bill, "An Act to Require Lobstermen to Use Only One Buoy Color Combination." (H. P. 512) (L. D. 628)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-253)

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

The Committee on Transportation on, Bill, "An Act to Provide Ferry Service to Matinicus Plantation." (H. P. 984) (L. D. 1193)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-256)

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 Labor on, Bill, "An Act to Provide for an Offset for Holiday Pay under the Employment Security Law." (H. P. 604) (L. D. 750)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-235)

Signed:

Senators:

SUTTON of Oxford

LOVELL of York

PRAY of Penobscot

Representatives:

FILLMORE of Freeport

LEWIS of Auburn

CUNNINGHAM of New Gloucester

DEXTER of Kingfield

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

Signed:

Representatives:

WYMAN of Pittsfield

TUTTLE of Sanford

BAKER of Portland

McHENRY of Madawaska

BEAULIEU of Portland

MARTIN of Brunswick

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

Which Reports were Read.

The Majority Ought to Pass, As Amended, Report of the Committee, Accepted, in non-concurrence. The Bill Read Once.

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

#### Senate

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

RESOLVE, to Determine the Feasibility of using Mountaintop Pond for a State Park for the Greater Bangor-Brewer Area. (S. P. 472) (L. D. 1411)

#### Leave to Withdraw

Senator Carpenter for the Committee on Agriculture on, Bill, "An Act to Prohibit Humane Societies and Shelters from Releasing Fertile Animals into the Community." (S. P. 208) (L. D. 581)

Reported that the same be granted Leave to Withdraw.

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Funds for Repair, Operation and Maintenance of Androscoggin Lake Dam." (S. P. 67) (L. D. 111)

Reported that the same be granted Leave to Withdraw.

Senator Devoe for the Committee on Judiciary on, Bill, "An Act to Assure Notice and Hearing Prior to Appointment of a Special Guardian." (H. P. 215) (L. D. 600)

Reported that the same be granted Leave to Withdraw.

Senator Farley for the Committee on Legal Affairs on, RESOLVE, Directing the Review of the Statutes Relating to Junkyards. (Emergency) (S. P. 420) (L. D. 1292)

Reported that the same be granted Leave to Withdraw.

Senator Silverman for the Committee on Marine Resources on, RESOLVE, authorizing the Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the Northeastern Research Foundation, Inc. (Emergency) (S. P. 174) (L. D. 380)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

#### Ought to Pass

Senator Cote for the Committee on Legal Affairs on, Bill, "An Act to Enable the Ocean Park Association to Qualify for Tax Exempt Status under the United States Internal Revenue Code." (Emergency) (S. P. 291) (L. D. 853)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

Senator Ault for the Committee on State Government on, Bill, "An Act to Decrease the Maine Guarantee Authority Bonding Limits for Industrial Building Mortgage Insurance and Maine Recreational Project Mortgage Insurance to \$41,000,000." (S. P. 297) (L. D. 904)

Reported that the same Ought to Pass in New Draft under new title, Bill, "An Act to Decrease the Maine Guarantee Authority Bonding Limit for Industrial Building and Recreational Project Mortgage Insurance to \$40,000,000: and to Conform Maine Guarantee Authority Statutes to Recent Constitutional Changes". (S. P. 520) (L. D. 1583).

Which Report was Read and Accepted, and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Provide for the Use of Credit Cards at the Kittery Liquor Store Only." (S. P. 434) (L. D. 1337)

Reported that the same Ought to Pass.

Signed:

Senator:

FARLEY of York

Representatives:

McSWEENEY of Old Orchard Beach

DELLERT of Gardiner

GAVETT of Orono

CALL of Lewiston

VIOLETTE of Van Buren

SOULAS of Bangor

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

Signed:

Senators:

SHUTE of Waldo

COTE of Androscoggin

Representatives:

STOVER of West Bath

MAXWELL of Jay

BROWN of Gorham

DUDLEY of Enfield

Which Reports were Read.

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

Senator SHUTE: I move Acceptance of the Ought Not to Pass Report.

The PRESIDENT: The Senator from Waldo, Senator Shute, moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: I would request a Division on the Motion, and I would hope that the Members of this body would vote against the motion. The Bill merely requests that at the Kittery Store the use of credit cards would be allowed for the purchase of alcoholic beverages.

As you know there are many, many tourists that move into the State in the summer time, and a lot of them today, do not bring a lot of cash with them. What they do is that they bring credit cards and when they leave this State many of them, thousands of them stop at the Kittery Liquor Store.

A lot of them would like to buy a lot more alcoholic beverages to take home with them at our discount prices, but because of the lack of cash, they cannot do that. This Bill would



merely allow it at the Kittery Store.

I would hope that you would vote against the motion before you accept the minority report. Tomorrow I will have an amendment prepared for this body so that the commission could at their discretion allow the use of credit cards in other stores. I believe that there are some bad feelings among some members of the Committee because it was just the Kittery Store, but the purpose of that is because it is the largest store and it was something that we wanted to experiment with at that store first. Thank you very much.

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

Senator DANTON: Mr. President and Members of the Senate: It isn't always popular to sponsor liquor bills, lottery bills, or what have you; but there is one thing that I want to take and bring to your attention.

One, the State of Maine is in the liquor business. I do not mind telling you we are in a pretty good liquor business. We take and gross about \$59,000,000. and net almost \$30,000,000. Now I call that a pretty good business.

I do not know who put us in the business, it was quite awhile ago, way before I was born someone in this Chamber decided that the State of Maine should be in that business.

This Credit Card title, that this bill has is really a misnomer. It is not credit at all. It's like Bank Americard. The minute you buy, the State is guaranteed that money. Now, we all know that we have become a credit card country. Let's stop kidding ourselves. You can not go anywhere today unless you have credit cards.

I remember just a couple of years ago on my way back from Albuquerque, New Mexico. I was in Logan Airport at 10 o'clock at night, and if I didn't have a credit card I would have to hitchhike home because the girl at Avis/Hertz Rent-A-Car would not take cash. She wanted a credit card, or a personal check.

Prior to that in Washington, D.C. I had a State of Maine check for expenses when I was down there on Legislative business. They didn't even want the State of Maine check, they would not cash it. They wanted a credit card. So that is cash as far as businesses are concerned.

Now, the State of New Hampshire has a Bill waiting that they will take and institute. They are waiting to see what we are going to do. That is how this Bill came about anyway. No one had any idea about it.

We are in competition with New Hampshire on the border. Let's stop kidding ourselves. We have stopped gallons of whiskey being bought in New Hampshire with our Kittery Store, whether it is popular or unpopular we will get into those merits and demerits later on, I am sure, in this session.

This Bill here will allow people that want to buy liquor at a discount price, and it is a discount price, I am not denying it. I was here when that first Bill came into this Chamber back during the 105th. It did not call for one store, just so that some of you will know, it called for five stores through the center of the State of Maine, including our commissary right here in Hallowell. Then some people decided, listen, if we want to compete with New Hampshire, let's not build the other stores. Let's just have the one in Kittery, that is how we ended up with that Kittery Store.

Now I am not going to make any big pitch for this Bill. I feel that it is something that we should allow people to use if they want to use their Bank Americards or American Express Cards, or whatever it is, it is fine; it is cash to the State of Maine. It is not credit, and the cost to the State of Maine isn't even 3 or 4% it is 1%.

It is strictly a business practice. It is not a wet or a dry issue. The sooner that we get away from that thinking, and if you really want to get away from that thinking, because I know that there are dries and there are so-called wets. Maybe dry should take and sponsor a Bill to

take the State and dry it up completely and get it into this Senate Chamber, and I will admit to you right here and now that I will be the first one to vote to dry the State up.

So let's get away from a wet or a dry issue, it is a business practice that the bureau is asking for, if they are concerned about other stores should have that same privilege fine put an amendment on the Bill, and allow it to be at the discretion of the commission, to take Bangor, Portland, Lewiston or whatever other store wants Credit Cards, fine let them have it. I am sure that there are some million dollar stores that could use it, but that is what the whole issue is about. Thank you Mr. President.

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

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate. I think that there is another side to this issue, other than increasing the sales of alcoholic beverages, in the State. At the present time, we do not allow credit for beer or liquor in the agency stores, we do not even allow it in the grocery stores. You can not get beer on credit in grocery stores.

This Bill is a Bill for Kittery, I think that we have done enough for Kittery already, they get their liquor at fairly good discount as compared to the rest of the State.

I guess one of the strong arguments for this Bill at the hearing was that it would help the State as far as liquor revenue goes, from our out-of-state business in summer. When they go back in the summer time they could take a couple of cases of liquor with them and that would help us out.

I think that possibly we ought to think whether the fellow that is getting the liquor on credit is depriving his family of some necessities that they might have. I personally feel that it might be more important to have the family have food, clothing and shelter, than to have maybe the parent who has some weakness to have this liquor. If they do not have the money to pay for it why should they get it on credit? That is not a necessity of life like a car or clothing. I just think that you are going in the wrong direction when you start giving credit for liquor.

A little while ago we had a bill in here, that there was quite a lot of support on and that was to allow 16 year olds to check out liquor or beer, in the grocery stores. The reason for that as I remember was that it slowed down the process in the stores, and we needed that to speed up the process. Now I wonder if we have credit cards for liquor, is that going to speed up the process in the liquor stores or is that going to slow the liquor stores down?

I know that there are two sides to every issue, but I do not think that this is an issue that should be seriously considered.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate. As past Chairman of the Liquor Control Committee, as the good Senator from York, Senator Danton, has stated we made something like 26 1/2 million in liquor last year, and it is very essential that we maintain that.

Now two years ago, I was instrumental in raising the drinking age from 18 to 20 which has cut the profit to a certain extent, but the profit down to the Kittery Store, is \$3,000,000 a year, that is what they make at the Kittery Store \$3,000,000, that is were I trade, I do not go to Rochester, I go down to Kittery, and when I go down to Kittery I see cars from all over New England, in fact in the middle of the winter, cars from all over New England and other states.

I feel that credit cards, if a person wants liquor and he is generally from out-of-state down there, if he wants liquor and he has got a credit card, I certainly feel that he should be allowed to use that credit card because it is just as good as gold.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Danton.

Senator DANTON: Mr. President, I wouldn't want the good Senator from Waldo, Senator Shute, to mislead the Senate, and I'm sure he wouldn't do it intentionally. I think too highly of him to think that of him. We're not talking credit in grocery stores, we just aren't talking that. We're not talking credit period, we're talking cash.

I said that at the Committee hearing, if there's ever been a title that's been wrong, it's that one there, it's not credit at all, there's no credit where you're going to write down Gerard P. Conley, 16 bottles of Kahlua, and he owes \$100. I'm sorry, Mr. President.

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

Senator CONLEY: A point of personal. . . .

The PRESIDENT: The Chair hears the point.

Senator DANTON: I apologize, Mr. President. Robert M. Farley, 10 bottles of Black Velvet, and then you have a set amount there. That's not the case at all, you go there, you buy your liquor, and I'll tell you, it's a funny thing about people, They are always attracted to 2 things when there's discounts on them, and let me tell you about them.

I know we have a half hour to adjourn, what difference does it make, I'm not going to cross that picket line out there anyway.

I have gone down to the Virgin Islands, in fact there was a good friend of mine with me, Senator Trotzky from Penobscot County. As you all know, down in the Virgin Islands, if you want to buy booze, they practically give it to you for nothing. Well, I didn't buy any because I knew at that time I was going to get a heart attack and I didn't want to lift anything. So I helped Senator Trotzky carry his and I helped a Representative from the House carry his liquor, everybody bought liquor really, you can't help it, it's so cheap, you just have to buy it. In fact, the good Senator from Cumberland, Senator Conley was down there with me, he bought 20 cartons of Camels for his wife, at \$1.00 a carton.

People are attracted to these things. I don't know why, I don't buy them. You know, if you drive from here to Florida you go through North Carolina, you see cartons of cigarettes \$2.10. Everybody stops to buy cigarettes, even if they don't smoke. It's just something that they like to buy, and they like to give gifts.

So I want this Senate to know and I want the good Senator from Waldo to know because he wasn't at that hearing that day, he was for part of the time, he had to introduce some bills. I made it very clear, perfectly clear, that credit is not involved here, it's a cash sale.

When we talk about the little grocery stores not being allowed to do it, the good Senator from Waldo, I'm sure has had his head in the sand, if he doesn't know of any Mama and Papa Store where Mama or Papa would go in and get a 6 pack of Schlitz and they'd put down 6 loaves of bread. Now, you know, let's stop kidding ourselves, but this is not a credit thing, it's a cash bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I don't want to prolong this, but I would like to respond to a couple things that were brought up.

Number one, the good Senator from York, Senator Danton, said this bill didn't involve credit, it was a cash bill. I don't know how many of you watched CBS news last night, but I watched it and at the 7 o'clock edition, there was a fellow on there, I think he was from Wisconsin, he had credit cards that he had in these little plastic folders, and they reached out 250 ft. worth of credit cards. That wasn't cash. Those credit cards were worth 1.6 million dollars, and that fellow certainly didn't have 1.6

million dollars, that was credit, not cash.

As far as the out-of-state people buying the liquor, I don't think we should be any less concerned about the families of out-of-state people than we should of the families in State people. They're all people, citizens of the United States, and I think they have the same concerns when it comes to food and lodging and shelter in their family as we do.

(Off Record Remarks)

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Waldo, Senator Shute that the Senate accept the Minority Ought Not to Pass Report of the Committee.

A Division has been requested.

Will all those Senators in favor of Accepting the Minority 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 12 Senators in the negative, the Motion to Accept the Minority Ought Not to Pass Report does not prevail.

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

Senator SILVERMAN: Mr. President, I'd ask for a Division on Accepting the Ought To Pass Report.

The PRESIDENT: A Division has been requested.

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

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

16 Senators having voted in the affirmative, and 12 Senators in the negative, the Motion to Accept the Ought To Pass Report does prevail.

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

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 o'clock tomorrow morning.