

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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 26, 1979

Senate called to Order by the President.

Prayer by the Honorable Andrew J. Redmond of Madison.

Senator REDMOND: We'll take a moment to bring your minds together and concentrate, not only on the needs of this Body, but also on our counterparts, our Chief and our Leadership, in this great process of lawmaking.

My God, set us on fire with the spirit, strengthen us by your power, illumine us with your splendor, and beckon us to go forward, with your aid so we may have faith, patience, wisdom, a conscience and will to enact the best possible laws, which will accommodate the present needs for the people of this great State, while preserving the same opportunity for future generations to come. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

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

In the Senate, April 17, Passed to be Engrossed.

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

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

Senator KATZ: Mr. President, I move the Senate Insist.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Insist.

Is this the pleasure of the Senate?
The Motion Prevailed.

Non-concurrent Matter

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

In the Senate, April 17, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-261), in non-concurrence.

On Motion by Senator Chapman, of Sagadahoc, Tabled 1 Legislative Day, pending Consideration.

House Paper

Bill, "An Act to Increase the Self-imposed Tax on Blueberries to Support Research and Extension Work as to the Effects of Inflation, the Shortage of Fuel Oil and Promotional and Marketing Aspects to Keep Maine Blueberries Competitive in North America." (Emergency) (H. P. 1340) (L. D. 1584)

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

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

Joint Orders

Expressions of Legislative Sentiment recognizing that:

The Preppers of Maine Central Institute, coached by Jim Elias, have won the Maine Small College Conference Basketball Championship for the academic year 1978-79 and have completed the season with an 18 and 4 record. (H. P. 1337)

Alex and Shirley Richards, of Madison, jointly plan retirement in June of 1979, which marks the end of an era of 52 years of continued service at Madison High School and a total of 61 dedicated years in education. . . . (H. P. 1338)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Order

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act to Relate to Qualifying Wage Levels for Unemployment Compensation to the Average Weekly Wage." (H. P. 437, L. D. 554) (H. P. 1339)

Comes from the House, Read and Passed.

Which was Read.

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

Senator SUTTON: Mr. President, it's my understanding that there is a very small error in this bill, as we passed it, that can be taken care of in the Error's and Inconsistencies Bill, and I therefore move Indefinite Postponement of this Order.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that this order be Indefinitely Postponed.

On Motion by Senator Pray, of Penobscot, Tabled until later in today's session, pending the Motion by Senator Sutton of Oxford.

Communication
HOUSE OF REPRESENTATIVES

April 25, 1979

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

Dear Madam Secretary:

The Speaker appointed the following Conference to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Occupational Loss of Hearing" (S. P. 199) (L. D. 495)

Mrs. BEAULIEU of Portland
Mr. BAKER of Portland
Mr. SOULAS of Bangor

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered placed on file.

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 Appropriate \$30,000 to Day One, Inc." (H. P. 778) (L. D. 980)

Bill, "An Act to Appropriate \$75,000 to Northeast Combat, Inc." (H. P. 262) (L. D. 338)

Bill, "An Act to Encourage an Increase in the Number of Primary Care Physicians Locating in Maine." (H. P. 1236) (L. D. 1496)

Bill, "An Act to Reimburse the Division of Community Services for Expenditures Incurred in Operating an Excess Property Program." (H.P. 1159) (L. D. 1424)

Bill, "An Act to Provide for Aid to Families with Dependent children Benefits for Unemployed Parents under the Aid to Families with Dependent Children — Unemployed Father Program." (H. P. 777) (L. D. 979)

Change of Reference

The Committee on Taxation on, Bill, "An Act to Recodify and Resolve Minor Administrative Problems in the Forestry Statutes; and Reorganize the Maine Forestry District." (H. P. 1127) (L. D. 1498)

Reported that the same be referred to the Committee on Energy and Natural Resources. Comes from the House, the report Read and Accepted, and the Bill referred to the Committee on Energy and Natural Resources.

Which Report was read and Accepted in concurrence, and the Bill referred to the Committee on Energy and Natural Resources, in concurrence.

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing a

Salary Increase for the Several District Attorneys." (H. P. 861) (L. D. 1073)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for the Maine Commission for Women." (H. P. 232) (L. D. 278)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Additional Funds to the Department of Agriculture for Enforcement of the Wood Measurement Act for the Fiscal Year Ending June 30, 1979." (H. P. 1118) (L. D. 1391)

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 Education on, Bill, "An Act to Permit Sorority Houses at University of Maine Campuses." (H. P. 946) (L. D. 1179)

Reported that the same Ought to Pass.

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

The Committee on State Government on, Bill, "An Act Relating to the Management of the Department of Attorney General." (H. P. 1100) (L. D. 1352)

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.

Ought to Pass — As Amended

The Committee on Energy and Natural Resources on, Bill, "An Act Concerning the Leasing and Management of Public Lands." (H. P. 981) (L. D. 1217)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-259)

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

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Amend the Statutes Relating to Airmobiles." (H. P. 663) (L. D. 838)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-204)

Comes from the House, the Bill, Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "C" (H-263)

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

The Committee on Labor on, Bill, "An Act to Require that all Public Employees be Paid at Least the Federal Minimum Wage." (H. P. 435) (L.D. 552)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-238).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-258).

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

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act Concerning Public Agencies Contracting for Architectural Services." (H. P. 759) (L. D. 939)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1331) (L. D. 1578)

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

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

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Prohibit the Gathering of Signatures Within 250 Feet of the Entrance to a Polling Place and Within any Registrar's Office." (H. P. 174) (L. D. 208)

Reported that the same Ought Not to Pass.

Signed:

Senator:

PIERCE of Kennebec

Representatives:

SEWALL of Newcastle

BERRY of Buxton

STUDLEY of Berwick

SMALL of Bath

GOULD of Old Town

HALL of Sangerville

BENOIT of South Portland

WENTWORTH of Wells

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-203).

Signed:

Senator:

FARLEY of York

Representatives:

TIERNEY of Lisbon

NADEAU of Lewiston

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-257).

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Penalty Provisions under the Maine Labor Laws." (H. P. 247) (L. D. 292)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-236)

Signed:

Senator:

PRAY of Penobscot

Representatives:

WYMAN of Pittsfield

McHENRY of Madawaska

BAKER of Portland

BEAULIEU of Portland

MARTIN of Brunswick

TUTTLE of Sanford

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

Signed:

Sensors:

SUTTON of Oxford

LOVELL of York

Representatives:

DEXTER of Kingfield

FILLMORE of Freeport

LEWIS of Auburn

CUNNINGHAM of New Gloucester

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 Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I move the Senate Accept the Minority Ought Not To Pass Report.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: This bill is a bill which basically increases penalties for violations of the Minimum Wage Law. But I guess I would have to point out one serious part of the bill, that many members of the committee felt very strongly to, and why they signed the bill out, was the section dealing with, subsection 781, Employment of Child Labor Laws.

The present penalties for those who violate the Child Labor Laws is a fine of \$25 to \$200, and this bill would take the penalties and make for the first offense a \$100 offense, and increase it to \$200 on the second offense, and on the third offense a Class D crime.

I believe that some of the situations that have happened recently, which have hit the press, basically the Maine Times for one, covers the story to great detail, shows that there's a necessity, a need for us to address the Child Labor Laws again in this State. I would oppose the motion by the Senator from Oxford, Senator Sutton, and 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.

Less than one-fifth having arisen, a Roll Call is not ordered.

The Chair will order a Division.

Will all those Senators in favor of the Motion to Accept 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.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: A Parliamentary Inquiry? Since the Division has taken place, would it now be proper to ask again for a Roll Call?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CARPENTER: I would so request.

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

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

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

The pending question before the Senate is the Motion by the Senator from Oxford, Senator Sutton that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

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

ROLL CALL

YEA — Ault, Chapman, Collins, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairty, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky.

NAY — Carpenter, Clark, Conley, Cote, Danton, Farley, Minkowsky, Najarian, Pray, Silverman, Usher.

ABSENT — Devoe, Martin, O'Leary, Traf-ton.

A Roll Call was had.

17 Senators having voted in the affirmative, and 11 Senators in the negative, and 4 Senators being absent, the Motion to Accept the Minority Ought Not to Pass Report in non-concurrence does prevail.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Legal Affairs on, RESOLVE, Authorizing Barry A. Brann of Wilton to Bring Civil Action Against the State of Maine. (H. P. 547) (L. D. 678)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-251)

Signed:

Sensors:

SHUTE of Waldo

FARLEY of York

Representatives:

DELLERT of Gardiner

VIOLETTE of Van Buren

SOULAS of Bangor

GAVETT of Orono

MAXWELL of Jay

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

Signed:

Senator:

COTE of Androscoggin

Representatives:

CALL of Lewiston

BROWN of Gorham

STOVER of West Bath

DUDLEY of Enfield

McSWEENEY of Old Orchard Beach

Comes from the House, the Majority Report Read and Accepted and the Resolve Passed to be Engrossed as amended by Committee Amendment "A" (H-251)

Which Reports were Read.

The Majority Ought to Pass, as amended, Report 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.

Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act to Establish a Deadline for Removal of Ice Fishing Shacks." (H. P. 432) (L. D. 549)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-252)

Signed:

Sensors:

CHAPMAN of Sagadahoc

SILVERMAN of Washington

Representatives:

SMALL of Bath

BOWDEN of Brooklyn

NELSON of Roque Bluffs

BLODGETT of Waldoboro

FOWLIE of Rockland

POST of Owl's Head

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

Signed:

Senator:

SHUTE of Waldo

Representatives:

JACKSON of Yarmouth

BUNKER of Gouldsboro

HANSON of Kennebunkport
KIESMAN of Fryeburg

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 Waldo, Senator Shute.

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

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: May I ask for an explanation on why the Committee Report came out "ought not to pass?"

The PRESIDENT: The Senator from York, Senator Hichens, has posed a question to the Chair.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Well, Mr. President, and Members of the Senate, it's a Divided Report, half ought to pass, and half ought not to pass. The reason I voted against this is it puts the power in the Commissioner's hands of setting what time ice shacks be removed from tidal waters of the state. Up until this time the Commission of Inland Fish and Game has never had any authority in that area. I haven't checked it out, but I intended to, I don't even think they can remove the ice shacks from the lakes in this state at any specified time. If there's any place that's unpredictable, as far as what time of the year the ice is going out it's on salt water. We have a very good Commissioner, but I don't even think he can predict that.

The original bill set a deadline for removing ice shacks. At the public hearing there was only one person who came to support the bill, that was the town manager, I can't remember what the town was, a town in Southern Maine somewhere.

The reason was for the bill, as he stated, that the town had an ordinance to remove ice shacks. The people in the town got up a petition and voted out, the ordinance out, and so then we had the Bill for the State to do it because the town removed the ordinance they had.

Of course, this would also put the Marine Resources wardens in the position of upholding this law or enforcing it. The town wouldn't have to enforce it any more, it would be up to the state to enforce it. There's about a month's difference between the time the ice goes out in Southern Maine and up in what they call "Downeast Maine." So, I don't know what the Commissioner would do, whether he'd set the time at January, February or April, or what.

The bill also, as amended, and I might read just a short sentence, the regulations that could be adopted by the Commissioner and the Council. "The Regulations may establish dates for removing those structures, or prohibiting the placing of these structures on the frozen water of any river or part of the river, where the tide rises and falls." Now that's giving quite a lot of authority to the Commissioner.

When I ran for election last time there were about 3 items on the people's minds, over home. Number one were jobs, they wanted some jobs. Number two, they wanted no more taxes from Augusta. Number three, they wanted local control, and this here is state control, through and through. Thank you.

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

Senator SILVERMAN: Mr. President and Members of the Senate: Having voted on the "Ought to Pass" Report, I would just say that this is a safety device. You put ice shacks out on the ice and have no rules or regulations when they are suppose to be taken off the ice,

there certainly is a major danger, if people try to go out and get them on thin ice. In turn you're going to lose the ice shack, and you might lose a few residents of Maine.

So I would think that the Commissioner, at least, would have the authority to put dates wherever it may be in the State, to remove ice shacks that could be a danger, if they were removed at the wrong season, and we lost the ice shack.

Secondly, I don't want our lakes full of ice shacks. What we're talking about here, is losing the ice shacks in the salt water regions of Maine. That was my reason for voting as I did for the bill, and I'd ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: This bill is keeping up the tradition in the Marine Resources area that we find half on one side and half on the other side.

In some areas there have been some problems with the existence of ice shacks that have lasted beyond the safety of the ice, and they have there remained, as the Senator from Washington, Senator Silverman has stated, to ultimately cause some safety hazards to those who attempt to go out and get them and can be injured, or to navigation, the debris, that then remains in the water.

The original bill which stipulated a basic set date, did not seem to be realistic because of the varying times of the year when the ice is out in this state. It seemed that the amendment would allow the flexibility for the Commissioner to respond to the needs that may appear, wherever they may appear in the state. In certain areas there's more concentration, more of a problem in this area than in others. We felt that this did allow some flexibility to respond to the needs as the Commissioner or the Council saw fit.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, since I have part of Sagadahoc County where part of this problem originates, the question I have is, if we have a municipal ordinance regulating ice fishing shacks, does the state law supercede the municipal regulation or ordinance, or is it only in communities that do not have the ordinance that this particular piece of Legislation will address?

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

Senator SHUTE: Mr. President and Members of the Senate: I am not an expert on this, but ordinarily municipal ordinances can exceed state law, as long as they come up to or exceed state law.

Just to respond to one of the comments made here, there was a comment made that there have been some problems in some areas of the state. There's only been one problem in one town in the state. Why should we regulate the whole state for one problem in one town, and that town even voted to repeal the ordinance they had on removing shacks. So they come to the state and say you make a state Law, the people down home repealed it on us. That really doesn't make good governmental sense to me.

Now, if you are persistent in passing this, I think the least you should do is include the lakes of the state in it, because they have a much more predictable time when the ice goes out than the tidal waters of the state do.

In the last session we had the same bill in, and we made the smelt shack owners put their name and their address and their telephone number on, and the Committee at the time said that will be a help and that will do the job, because then we can go get these people for litter-

ing if their shack should go out with the ice during the night. Now we find that wasn't enough, now we've got to have them take them off when the ice is 2 feet thick out there.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of Accepting Minority Ought to Pass Report of the Committee, as moved by the Senator from Waldo, Senator Shute, 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 in the negative, the Motion to Accept the Minority Ought Not to Pass Report in non-concurrence does prevail.

Sent down for concurrence.

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 Increase Atlantic Salmon Stamp Fees under the Inland Fisheries and Wildlife Statutes." (S. P. 198) (L. D. 494)

Bill, "An Act to Provide for a Closed Season on Black Bear from the First Monday following Thanksgiving to July 1st." (S. P. 205) (L. D. 537)

Bill, "An Act to Relocate the Head of Tide on the Penobscot River for the Protection of Atlantic Salmon." (S. P. 481) (L. D. 1483)

Leave to Withdraw

Senator Hichens for the Committee on Agriculture on, Bill, "An Act to Amend Dog License Fees and Control." (S. P. 156) (L. D. 326)

Reported that the same be granted Leave to Withdraw.

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Require Mandatory Disclosure of Attorney Fees." (S. P. 444) (L. D. 1362)

Reported that the same be granted Leave to Withdraw.

Senator Teague for the Committee on Taxation on, Bill, "An Act to Allow Merchants to Retain a Percentage of Sales Tax Revenues." (S. P. 247) (L. D. 696)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Funds for Emergency Shelters and Services for Victims of Domestic Violence." (S. P. 316) (L. D. 946)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 119)

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

Second Readers

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

House

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)

Bill, "An Act to Clarify Transfers from County Jails to the Correctional Facilities." (H. P. 1123) (L. D. 1393)

Bill, "An Act Relating to the Division of Probation and Parole." (H. P. 1165) (L. D. 1430)

Bill, "An Act Relating to the Transfer of

Prisoners to Federal Penal Institutions." (H. P. 1166) (L. D. 1441)

Bill, "An Act to Clarify the Uniform Act for Out-of-State Parolee Supervision." (H. P. 1164) (L. D. 1438)

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

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)

Which was Read a Second Time.

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

Senator KATZ: Mr. President, speaking of bombs. I call the Senate's attention to L. D. 1024, and I urge you to look at the bill because I intend to ask for a Roll Call on Enactment.

Which was Passed to be Engrossed, in concurrence.

House — As Amended

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

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

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

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

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

Which was Read a Second time and Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

Senate

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)

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 were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

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

Which was Read a Second Time.

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

Senator FARLEY: Mr. President, I now offer Senate Amendment "A" under Filing S-120 to L. D. 1337, and move its adoption.

The PRESIDENT: The Senator from York, Senator Farley now offers Senate Amendment "A" to L. D. 1337 and moves its adoption.

Senate Amendment "A" (S-120) Read.

The PRESIDENT: The Senator has the floor.

Senator FARLEY: Mr. President and Members of the Senate: The Amendment merely states what I suggested I would do yesterday. The amendment makes the availability of credit cards at the discretion of the Commission to all the liquor stores in the State of Maine.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "A"?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: I think the use of the credit card at the Kittery Liquor Store is in order given the present day use of them, most people

do use them just like cash.

The Kittery Liquor Store is something that I have never supported. I don't support the concept now and I never have, but it is a fact of life that it is there. The main reason for its being, the one reason it was put up in the first place was to attract tourists and sell them liquor to compete with New Hampshire. I think it only makes sense, since most tourists do carry credit cards to allow them to try that system at Kittery to see how it works.

I have no violent objection to this amendment, but I would ask for a Division on it. It seems to me that it would make some sense, at that one special liquor store, and it is a special one, apart from all the rest in many ways, I think it might make sense for us to try it out for a year or so in Kittery, see how the credit card works, what it does to sales, and then authorize the Commission to do it in other liquor stores if this is in order at that time. So I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Adoption of Senate Amendment "A" to L. D. 1337, please rise in their places to be counted.

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

10 Senators having voted in the affirmative and 17 Senators in the negative, Senate Amendment "A" Fails of Adoption.

Which was Passed to be Engrossed.

Sent down for concurrence.

Enactors

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

An Act to Provide for Certain Signs to Assist Blind Persons in Elevators. (H. P. 708) (L. D. 882)

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

An Act to Exempt Out-of-State Technical and Vocational Schools from Registration under the Transient Sellers Law. (H. P. 1076) (L. D. 1329)

An Act to Permit the Use of Facsimile Stamps on Municipal Sewerage Assessments and Charges. (H. P. 524) (L. D. 646)

An Act to Allow Registrars of Deeds to use Facsimile Signature Stamps in Lieu of Original Signatures. (H. P. 159) (L. D. 187)

An Act Providing for Rent Receipts and Requiring Disclosure of a Landlord's Identity. (H. P. 394) (L. D. 502)

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 Exempt from Sales Taxes Depreciable Machinery Used in Commercial Farming and Fishing. (H. P. 762) (L. D. 942)

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

Senator KATZ: Mr. President, just inquiring from the Chairman of Appropriations whether or not L. D. 942 involves the Loss of Revenue?

The PRESIDENT: The Senator from Kennebec, Senator Katz has posed a question through the Chair.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: The amendment became the bill and it does not require an appropriation.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question to the Chair concerning the loss of revenue, to any Senator who may care to answer.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: The only thing that this bill does is allow a farmer or a fisherman who wants to buy a large ticket item of over \$5,000

to go to the Bureau of Taxation, get a certificate that this will be sales tax exempt, then present it to the dealer.

The way it is right now the farmer or fisherman buys a piece of equipment, they pay the sales tax, and then get his rebate from the department.

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

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

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

Senator DANTON: Mr. President and Members of the Senate: It seems I'm up again on another liquor bill, but I'd like to explain this to you.

Some 2 or 3 years ago we went through the whole process of liquor licenses and the fees and what have you. As it presently stands, any new applicant in your community has to go to the city or town council, any new applicant. From that point on he can apply directly to the Licensing Division, as soon as they receive his application, what Mr. Tillson does, he calls up the town, whatever the town or the city may be, if they have any objection with Mr. So and So, whatever the corporation may be, if they should be held up on getting their liquor license, and if not they issue it.

The reason we did this was to take and prohibit a lot of red tape that used to take place. For those of you that have never had to fill out a liquor license, I want you to know it's really a big job, and for those of you that have served on city and town councils you know it's just a matter of mass approval of all these liquor licenses and that's why this was done, to take and do away with that one step.

Now there's been no problem with this. As I read the bill, and it's been sponsored by 2 members of the other Body from small communities, all they're doing is repealing a section. If you'll turn to the bill and look at it, you'll see they're repealing a section. Then the good Senator from Waldo, Senator Shute, tried in a very, very fine way to amend the bill to make it livable but he's got it right back to where we were before, and what was it before.

Let's assume that a community turned you down and they said we don't want you to have a liquor license. Then you had the right to appeal to the Liquor Commission. The Liquor Commission could issue a license notwithstanding the fact that the community said No to begin with. So it's just a lot of red tape and we did away with it 2 or 3 years ago. I don't think we should put the communities back into that position, you have your local control. When an applicant first comes for the first time, he has to go through the community and I think it's a good way and it saves a lot of work and red tape. I'm going to move the Indefinite Postponement of this bill and its accompanying papers.

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

Senator SILVERMAN: Mr. President and Members of the Senate: As I read this bill and the amendment, it restores local control. Now, I sat here during the whole session, and heard everyone say, let's not vote against local control, you just did it with this ice fishing shack.

This bill says that the local municipality, or the purpose of this amendment is to allow municipalities, if they wish, to initially approve all requests for liquor license renewals. If a license is revoked, the licensee may appeal to the State Liquor Commission, which means the local area has local control, if there is a place selling booze and they feel that place is not warranted, or does not meet the standards of that community, then they in turn can revoke that license.

At this level of local control, I would say the

local area has the problems, let the local area decide whether the license is renewed or not, and then if it is not renewed, the licensee may appeal to the State Liquor Commission. I don't even see why the good Senator from York, is making an issue out of this, he believes in local control. Thank you.

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

Senator DANTON: Thank you Mr. President. Mr. President, and Members of the Senate: I don't know, I tried to follow the good Senator from Washington, Senator Silverman, but he lost me somewhere.

All I'm saying is simply this, I'm not against local control, you have local control. If you go back to where you were, you can refuse the license, and you go to the Liquor Commission, and whether you like it or not, the Liquor Commission can issue the license.

Now if you want to talk about a special amusement license, then let's get into one of the communities that I have in my District, and that's Old Orchard Beach, where we have a topless bar. Now that's another law that we've passed here, but that's enabling Legislation, and the town council or the city council has to take and adopt that ordinance, and then when they say No, the Liquor Commission will not issue them a license.

I think that the good Senator from York, Senator Lovell, was with me on that Committee when we passed that particular bill that I'm talking about, perhaps Senator Perkins was too.

This here does absolutely nothing, it's just going back to where you were before, and you're just having the city or the town and the person involved going through a lot of red tape and expense to get an attorney, fill out his license, appear in front of the town council, or the city council, and ultimately get his license. It's been working well, there's been no problems, the Licensing Division, I'm sure Senator Shute from Waldo, when he was there the Licensing Division, told you it was a law that is working very well, there's nothing wrong with it, and there is no sense in changing it. That's why I made the motion to Indefinitely Postpone the bill and all of its accompanying papers, and I hope you would support me. Thank you.

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

Senator HICHENS: Mr. President and Members of the Senate: I reluctantly disagree with the good Senator from York. I don't know how many members of this body read the York County Coast Star, but if they do, they'll see that there are problems in Old Orchard Beach on the renewal of liquor licenses along with the amusement places, not only in Old Orchard Beach but in Wells, and other areas along the York County Coast. I think that is why this bill is before us today, because the municipalities feel they have their hands tied on renewal of licenses when the people can go directly to the Liquor Commission and override what the town fathers would like to do on this. So I think that this is a good one, and I hope you'll vote against the motion.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from York Senator Danton, that L. D. 382, be Indefinitely Postponed.

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I would like a Roll Call on this.

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

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

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

The pending question before the Senate is the Motion by the Senator from York, Senator Danton, that L. D. 382, and its accompanying papers be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Conley, Cote, Danton, Huber, Lovell, Minkowsky, Pierce, Pray, Redmond.

NAY — Ault, Carpenter, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Katz, McBreaity, Najarian, O'Leary, Perkins, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher.

ABSENT — Clark, Farley, Martin.

A Roll Call was had.

9 Senators having voted in the affirmative and 20 Senators in the negative, with 3 Senators being absent the Motion to Indefinitely Postpone does not prevail.

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

Senator SILVERMAN: I would like to ask for Reconsideration.

The PRESIDENT: The Senator from Washington, Senator Silverman, moves that the Senate reconsider its action whereby this Bill, Failed of Indefinite Postponement.

Will all those Senators in favor of Reconsideration, please say Yes.

Will all those Senators in favor of Reconsideration, please say Yes.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

Which 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 Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss Due to Amendment of the Uniform Commercial Code. (H. P. 335) (L. D. 434)

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

Emergency

An Act to Provide Birth Certificates for Foreign-born Adopted Persons. (S. P. 72) (L. D. 126)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day Unfinished Business

The following matters, in the consideration of which the Senate was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 25.

Second Readers

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

House

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

Bill, "An Act to Assist in the Use of Foreign Trade Zones." (Emergency) (H. P. 944) (L. D. 1174)

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)

Bill, "An Act to Require that Certain Information be Provided by Insulation Installers."

(H. P. 698) (L. D. 909)

Bill, "An Act Relating to Mining on State Lands." (H. P. 1001) (L. D. 1247)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1979. (Emergency) (H. P. 1320) (L. D. 1568)

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

Bill, "An Act Relating to Discharges and Emissions from Nuclear Generating Facilities." (H. P. 268) (L. D. 349)

Which was Read a Second Time.

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

Senator PRAY: Mr. President and Members of the Senate: The title of this bill kind of caught my attention, particularly with the events that have taken place in the state and around the country in the last month or so.

I have quickly read the Bill, but I would appreciate it if somebody from the Committee that heard the bill would kind of give us a briefing on what the bill actually does do.

The PRESIDENT: The Senator from Penobscot, Senator Pray has posed a question through the Chair to any member of the pertinent Committee who may care to answer.

On Motion by Senator Huber of Cumberland, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

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)

Which was Read a Second Time.

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

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

Which was Read a Second Time.

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

Senator SUTTON: Mr. President I would move the Indefinite Postponement of this Legislative Document and all of its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that L. D. 830 and its accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: This is a Bill that we discussed yesterday, and I believe that the Senate Accepted the Majority Ought to Pass Report, and just to refresh your memory briefly it deals with an act of reciprocity with other states or countrys that require Maine workers to receive a permit to work in their states. Likewise people from their states coming to Maine, would have to also receive permits from the State of Maine.

I would ask for a Division on the Motion to Indefinitely Postpone and would hope that we would continue the suite that we took yesterday.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion by the Senator from Oxford, Senator Sutton, that L. D. 830 be Indefinitely Postponed, 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 10 Senators in the negative the Motion to Indefinitely Postpone does Prevail.

Sent down for concurrence.

House — As Amended

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

Bill, "An Act to Clarify Motor Vehicle Registration and Operator Licensing Requirements of Nonresidents." (H. P. 198) (L. D. 247)

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)

Bill, "An Act to Establish Physical Boundaries for Deer Hunting Zones." (H. P. 299) (L. D. 394)

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

Enactors

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

An Act to Abolish County Subsidies to the Superior Court System. (H. P. 597) (L. D. 741)

An Act Relating to Forfeiture of Bail on Persons Who Have Left the State. (H. P. 304) (L. D. 415)

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

An Act Providing for the Fee for Examination by the Office of State Fire Marshal of Plans for the Construction of Hotels or Motels with 2 or More Stories. (H. P. 958) (L. D. 1188)

An Act to Amend the Frozen Dairy Products Law. (H. P. 992) (L. D. 1229)

An Act to Amend the Safe Drinking Water Act. (H. P. 279) (L. D. 353)

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

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

An Act Pertaining to Absentee Voting. (S. P. 121) (L. D. 230)

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 Amend Existing Stumpage Allowance to the Passamaquoddy Indian Tribe. (H. P. 422) (L. D. 517)

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

Senator SILVERMAN: Mr. President, I would ask someone in the Committee that passed this to explain it to us. The reason is, I remember being back in the Legislature where we had a major problem of overcutting on the Indian Reservations, to the point where they could have lost really their species of trees for harvesting for the future, I would like this explained.

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

Senator SHUTE: Mr. President and Members of the Senate: This bill was before the Legal Affairs Committee and the Representative for the Penobscot Indians, was at the hearing and supported this bill.

I don't know what the bill does as far as regulating any cutting of timber or grass, but the reason that the bill was put in is that at the present time, I think the Passamaquoddy Indians get 40% of the money, the Penobscot Indians get 40% and the state gets 20% for an Endowment Fund for Indians.

As I understood the bill, all the bill did was remove the 20% and divide that up equally between the Penobscot Indians and the Passamaquoddy Indians.

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

An Act to Revise the Statutes Governing Chemical Control of Rodents as Agricultural Pests. (H. P. 990) (L. D. 1227)

The PRESIDENT: The Chair recognizes the

Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate: I just have a question about this and I would hope that some member of the Committee could answer it for me today.

This bill removes an important section of the pesticides control responsibilities in removing the need for a permit to wipe out certain agricultural pests.

Now in the Statement of Fact in the bill, it indicated that this was duplicatory and I spoke with the sponsor and have been unable to get the site of where this is a duplication. If some member of the Committee could site that for me I would appreciate it.

The PRESIDENT: The Senator from Androscoggin Senator Trafton, has posed a question through the Chair.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, and good lady, I would answer that by saying that we were told in Committee that this is just a duplication of federal laws, so that there is no need to have it on the state books.

On Motion by Senator Clark of Cumberland, Tabled for 1 Legislative Day, pending Enactment.

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

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

Senator CONLEY: Mr. President and Members of the Senate: I just happened to take a peek at this little obnoxious jewel, and I just wonder how you enforce such a law.

It states that no farm produce sold or offered for sale within the state, will be labeled or advertised as native, native grown, locally grown, or by a similar designation unless that produce was actually grown in the State of Maine. Violation of this provision shall be a civil violation punishable by a fine of not less than \$100 nor more than \$200 and this section shall be enforced by the Division of Markets in the Department of Agriculture.

Mr. President I would ask for a Division on the Enactment of this Bill.

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

Senator HICHENS: Mr. President and Members of the Senate: An explanation of the reasons for this bill, it seems that there are several areas of the state, where we have vendors come in during the summer months, mostly from out-of-state, they will set up their stands and they will put up signs that say "Native Produce." Now we have proven that much of this produce comes from the Boston Market, this is in direct competition with people in our own state who are raising their own produce, and we felt that this law is necessary for these farmers, especially from around Cape Elizabeth, who have come down to us and asked to put this bill in and protect their rights in raising their own produce, and let the people know who are traveling through the state, and their own local people that they are buying produce that is raised in the State of Maine and in the State of Maine alone.

The inspection by the Maine Market Division of the Department of Agriculture, we are told can be done very easily because as they travel they can check, if any complaints come in there are people in that area that can go and check.

I think that this protects the rights of our Maine farmers and the vegetable producers to insure that people are getting what they think they are getting.

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

Senator PRAY: Mr. President and Members of the Senate: It is interesting sometimes to go through the calendar and see the different bills that come up that deal with different matters

and how similar so many of them are.

Earlier today we addressed a bill that related to Child Labor Laws, and those who violate Child Labor Laws, the present penalties for that are as I stated at that time are \$25, up to \$200. The intention of the bill was to make the penalty a \$100 for the first offense; and \$200 for the second offense, very similar to what we have here.

A penalty of \$100 not exceeding \$200 yet this Chamber saw fit for those who violate the Child Labor Laws of this state to only pay a fine of \$25, at least minimum and here we are asking for \$100 for somebody who mislabels produce.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of Enactment of this legislation, 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 Bill was Passed to be Enacted.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Having voted on the prevailing side I move Reconsideration, whereby this Bill was Enacted.

The PRESIDENT: The Senator from York, Senator Hichens, moves that the Senate Reconsider its action whereby L. D. 641 was Passed to be Enacted.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I can't think of a more worthwhile motive than to protect the farmers of the State of Maine, but I sat here and wondered to myself if I were in business, in Bethel and I owned a farm just a couple of miles across the New Hampshire border and worked it myself and then brought it out to the road, what is the effect on me? I guess that I am just disturbed that a noble motive may be leading us into a bill which is really really going to create some problems for honest people trying to sell their produce.

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

Senator HICHENS: I would like to try to answer that question, also, and that was one of the things that was brought up, and all that this man from New Hampshire has to do is put a sign up New Hampshire Raised Produce and that will protect him. That is one of the things that was brought up that there are several towns by the same name, in our adjoining states and some people might say or put a sign up here in Manchester, Maine which says Manchester Produce or native produce and it might come from Manchester, New Hampshire, which is about a week ahead of us. That is false advertising that is one of the protections that we want to have. All this person would have to do is put up a sign New Hampshire Produce and he would be protected.

The Chair will order a Division.

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

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

5 Senators having voted in the affirmative and 21 Senators in the negative the Motion to Reconsider does not Prevail.

The Bill having been 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 to Allocate \$8,000 to the Maine Food and Farmland Study Commission. (H. P. 362) (L. D. 472)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, with 1 Senator 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 to Appropriate Funds for a Conference on Families. (H. P. 877) (L. D. 1083)

Comes from the House, Failed of Enactment.

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

Senator GILL: I request the Rules be Suspended.

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

Is this the pleasure of the Senate?

It is a vote.

The Senator has the floor.

Senator GILL: Mr. President, I move that we Reconsider whereby we Passed this Bill to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Gill, moves that the Senate reconsider its action whereby L. D. 1083 was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

The Senator has the floor.

Senator GILL: Mr. President, I propose Senate Amendment "A" to the Bill.

The PRESIDENT: The Senator from Cumberland, Senator Gill, now offers Senate Amendment "A", to L. D. 1083 and moves its Adoption.

Senate Amendment "A" (S-121) Read.

On Motion by Senator Pierce of Kennebec, Tabled, pending Adoption of Senate Amendment "A".

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1979. (H. P. 1304) (L. D. 1560)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Senator HICHENS: Referring back to L. D. 382, I would like us to reconsider our action whereby this Bill was Passed to be Enacted, and hope you'll vote against me.

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

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: I move this item lie on the Table 1 Legislative Day, pending Reconsideration.

The Chair recognizes Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, a parliamentary inquiry, has this Bill not already been reconsidered?

The PRESIDENT: The Chair would advise the Senator that the Indefinite Postponement was Reconsidered, but the Enactment has not been Reconsidered.

The Chair recognizes the Senator from York, Senator Hichens.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 382 for 1 Legislative Day, 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, please.

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 less than one-fifth having arisen a Roll Call is not ordered.

The Chair will order a Division.

Will all those Senators in favor of Tabling L. D. 382 for 1 Legislative Day, please rise in their places to be counted.

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

10 Senators having voted in the affirmative and 14 Senators in the negative, the Motion to Table L. D. 382 does not prevail.

The Senator from York, Senator Hichens has moved that the Senate Reconsider its action whereby L. D. 382 was Passed to be Enacted.

The Chair will order a Division.

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

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

The Chair would advise the Senate that any Senator in his or her seat is required to vote on any issue.

The Chair will commence the vote again.

Will all those Senators in favor of the Motion to Reconsider whereby L. D. 382 was Passed to be Enacted, 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 18 Senators in the negative, the Motion to Reconsider does not prevail.

Orders of the Day

The President laid before the Senate the First Tabled and specially assigned matter for April 25, 1979:

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

Tabled—April 23, 1979 by Senator Collins of Knox.

Pending—Enactment.

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

Senator COLLINS: Mr. President, I've conferred with the Chairman of the Business Legislation Committee, and with the Deputy Attorney General who was concerned about this, this bill may or may not be a safe thing to pass, in light of the criminal law, but until I have had a chance to explore it a little further, I would hope someone might table it again.

On Motion by Senator Devoe of Penobscot, Retabled 2 Legislative Days.

The President laid before the Senate the Second Tabled and specially assigned matter for April 25, 1979:

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

Tabled—April 23, 1979 by Senator Chapman of Sagadahoc.

Pending—Passage to be Engrossed.

On Motion by Senator Chapman of Sagadahoc, Retabled for 2 Legislative Days.

The President laid before the Senate the Third Tabled and specially assigned matter for April 25, 1979:

Bill, "An Act Regulating Business Practices Between Motion Picture Distributors and Ex-

hibitors." (H. P. 365) (L. D. 473)

Tabled—April 23, 1979 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Collins of Knox, Retabled for 2 Legislative Days.

The President laid before the Senate the Fourth Tabled and specially assigned matter for April 25, 1979:

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

Tabled—April 24, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Shute of Waldo that Bill and Papers be Indefinitely Postponed.

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

Senator COLLINS: Mr. President, I understand that the Senator from Penobscot, Senator Devoe, has prepared an amendment to this bill. I, therefore, hope the Senate will vote against the pending Motion to Indefinitely Postpone, and will then adopt the Majority Report so that the bill may be amended.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Waldo, Senator Shute, that the Senate Indefinitely Postpone L. D. 798.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: The remarks I made on this bill the other day, I'd say, still hold quite firm, that this bill is going to be a real added expense to the state, another big program for the state. I don't think the people back home are looking for a lot of new programs this year; they're not looking for a lot of new taxes this year; and they're not looking for programs that are going to relieve the criminal of their obligation to make some restitution in some areas.

The taxpayers that I've talked to don't feel it's a state obligation or a taxpayer obligation to take over the responsibilities for the criminals, and that's what this bill does.

Now, I think the hospitals will get along all right. I think the medical doctors, even as hard a time as they're having, will probably somehow make both ends meet, if they have this money or not. The insurance companies, I wonder if the insurance companies in the state are going to adjust the premiums to take care of the obligation that we're taking over for people that do have insurance in this area.

Now sometimes you make a bad bill good by amendment, but I don't think this bill could really stand that many amendments to make this a good bill. I hope you would vote with me on Indefinite Postponement.

The Chair will order a Division.

Will all those Senators in favor of Indefinite Postponement of L. D. 798, 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 8 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I'd now move Reconsideration.

The PRESIDENT: The Senator from Waldo, Senator Shute, moves the Senate Reconsider its action whereby L. D. 798 was Indefinitely Postponed.

Will all those Senators in favor of the Motion to Reconsider, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail. Sent down for concurrence.

(Off Record Remarks)

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

Senator CHAPMAN: Mr. President, is the Senate in possession of L. D. 766?

The PRESIDENT: The Chair would answer the Senator in the affirmative, the bill having been held at his request.

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

Senator CLARK: Mr. President, I move reconsideration whereby this bill, L. D. 766 was Passed to be Enacted.

The PRESIDENT: The Senator from Cumberland, Senator Clark, now moves that the Senate Reconsider its action whereby Bill, "An Act to Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices" (H. P. 624) (L. D. 766) Was Passed to be Enacted.

On Motion by Senator Chapman of Sagadahoc, Tabled for 2 Legislative Days, pending the Motion of Senator Clark of Cumberland.

On Motion by Senator Pierce of Kennebec, the Senate voted to take from the Unassigned Table: Bill, "An Act to Appropriate Funds for a Conference on Families." (H. P. 877) (L. D. 1083)

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

Senator GILL: Mr. President, I'd like to explain to the Senate, what I'm trying to do here, realizing that the Appropriations Committee is in a real tight situation. What we'd like to try to do is appropriate this \$5,000 for a Family Conference in other directions, if possible, but we'd like to allow it to go through the procedure. If we can't appropriate it somewhere else, in the meantime, because if we can't get \$5,000 we will get matching funds from the federal government. There may be a chance that we can pick it up somewhere else, so I would ask the Senate go along with removal of this Emergency Clause and let it go through its natural procedure.

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

Senator MINKOWSKY: Mr. President I was just researching a little bit on this particular bill, and I find that it failed in the other body. I guess there have been some questions relevant to this as to who will participate in this particular conference? Will those attending the conference be paid either through this appropriation or through some other mechanism, and who will make the final policy decision on the legislation to be proposed for the next session of Legislature?

I guess as a family man, I'm in great concurrence with the understanding the family's needs, in general, but I'm looking also, as a member of the Audit and Program Review Committee of all the different overlapping programs we actually have, all the evaluations and statistics being developed about the family by many different groups. I'm just wondering if this is just a duplication of many services that are already existing in the State of Maine at the present time and another person or group coming in asking for the same type of statistics, because I think the guts of the entire bill are in the second paragraph, it says "whereas the Blaine House Conference on many Families will provide a forum for the discussion of the needs of families in Maine."

I think the needs of families in Maine have been established by many, many different agencies including our own state agencies, plus many private agencies. I just cannot see the rationale of having somebody else come in and further try to establish the needs of the families in the State of Maine. I think those statistics are well developed, and I don't think there's any necessity for the entire bill.

I would move the Indefinite Postponement of

this amendment.

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

Senator GILL: I think we're all aware, I agree somewhat with what Senator Minkowsky said about so many programs dealing with families in the different departments, but I think we're all aware of the Conference of Aging that was held and the Legislation that did come out of there, all the concerns that came out of the Conference on Aging. They were able to bring forth some Legislation that would prevent duplication and clean up some of the language in the statutes as they stand now.

I think that we look upon the family unit, as the most important segment that we deal with day-to-day, and I feel that we have to be supportive of those and not just supportive of those in the minority, that just require the help in the temporary time, and we have to look over the whole family unit and see how we can strengthen them, not necessarily provide more programs, for them. I think this would be an opportunity for people to get together to talk about many aspects of family life from infancy to the other extreme, the extreme that the Senator from Androscoggin is about to reach.

I just feel it's important that we do sit down. We did have a small conference on families in December, it was held at the Civic Center, there were many participants from all over the state. At that time there were people who worked in counseling with families, there were church members, there were volunteers, who were just concerned about where the families going in today's government, and every day life. I think the fact that these people realize there is some need to get together we should probably go along and have a conference.

We'd like it in the Blaine House, a Blaine House Conference on Aging, because this would be the ultimate place to have it, and it would show concern of this state, for families.

The Chair will order a Division.

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

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

11 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

Is it now the pleasure of the Senate to Adopt Senate Amendment "A" to L. D. 1083?

It is a vote

Is it now the pleasure of the Senate that this Bill, as amended, be Passed to be Engrossed?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: Even though you have adopted Senate Amendment "A", which takes off the Emergency Clause, the question still has not been addressed, in so far as I am concerned, relevant to who will participate in this particular conference, parents, PTA groups, whatever it may be? Will those who are in attendance be paid? There's no clear cut mechanism in this particular Legislation to define this.

The Senator from Cumberland, Senator Gill, I think, was absolutely correct. If they have been having meetings for families in the Cumberland county area, or Portland, we do not need statutory laws to do this. I think they should just continue until they have a good viable force to produce something that is different compared to what we already have on our books, of what we have been practicing in the State of Maine right along.

It's just another cumbersome part of the bureaucratic system, the end result is going to cost the taxpayers money. Now the taxpayers, it's been emphasized over and over again this

morning, want an austerity program. I think this is one good way of attempting to both fill the needs of the taxpayers of the State of Maine. On that particular basis, Mr. President, I now move the Indefinite Postponement of this Bill and all its accompanying papers.

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

Senator GILL: I think this is exactly why we need a conference at the Blaine House on families because there have been many groups throughout the state voluntarily getting together. This Legislature has a group of Legislators who have been getting together on Thursday morning, and we look at all the Legislation and try to decide how it will affect the family unit, both from a financial point of view, and from a human services point of view.

I think that the ultimate, at this point is, since all these groups have been getting together over a period of 2 years or more to try to arrive at some ways to get everything together that the best way to get it together now is at the top, and this is why we have come and we have asked for an appropriation, small that it may be.

The individuals attending this conference, to my knowledge, will not be paid. The only individuals that we might have to pay are the individuals that we might ask to come in from different areas, experts in their field, so to speak.

I think everybody is willing to participate and not receive any financial benefits from it and expenses, if you will, because they are just so concerned with what's going on with the family unit, at this time. I hope that answers the Senator's question.

I would ask for a Division on his motion.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, it appears to me that the problem, if there is a problem, amongst families in Maine has been well established. The people who, as they say, in the Christian Faith, pray together, stay together, and they don't really have any problems. Which group of people? We've addressed the indigent people, we've addressed the low income people, every single category possible. Which particular groups of people are you addressing in this piece of Legislation?

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of Indefinite Postponement of L. D. 1083, 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 13 Senators in the negative, the Motion to Indefinitely Postpone L. D. 1083 does prevail.

The President laid before the Senate the First Tabled and specially assigned matter for April 26, 1979:

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 24, 1979 by Senator Collins of Knox.

Pending—Acceptance of Either Report.

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

Senator COLLINS: I move the Acceptance of the Majority Report.

The PRESIDENT: The Senator from Knox,

Senator Collins, moves the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

The Majority Ought to Pass in New Draft Report of the Committee Read and Accepted, in non-concurrence.

The Bill in New Draft, Read Once and Tomorrow Assigned for Second Reading.

The PRESIDENT: The Chair would direct the Senate's attention to Joint Order recalling Bill, "An Act to Relate the Qualifying Wage Levels for Unemployment Compensation to the Average Weekly Wage." (H. P. 437) (L. D. 554) (H. P. 1339), tabled earlier in today's session, pending the motion by the Senator from Oxford, Senator Sutton, to Indefinitely Postpone.

The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement 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.

17 Senators having voted in the affirmative and 12 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

Sent down for concurrence.

The PRESIDENT: The Chair would direct the Senate's attention to Bill, "An Act to Prohibit the Gathering of Signatures Within 250 Feet of the Entrance to a Polling Place and Within any Registrar's Office." (H. P. 174) (L. D. 208), tabled earlier in today's session by the Senator from Kennebec, Senator Katz, pending the Acceptance of Either Committee Report.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move acceptance of the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: I request a Division, and would like to speak briefly on my motion.

The PRESIDENT: The Senator has the floor.

Senator FARLEY: Mr. President and Members of the Senate: This bill has been around for a couple of sessions now, 2 years ago it ran into some problems, I think probably because it was right after a referendum question. Many have had some bad impressions on this bill as to stopping the process of requiring signatures for petition.

Last year another group, was gathering signatures to repeal our bottle bill. I found that petition drive at the polls just as bad as I did the people who were looking for signatures on the Bigelow thing.

People in my town when they go to vote, don't particularly like to get bugged by people gathering signatures. I can't deliver a piece of political material 250 feet from the door, why should some of these other people be bugging people who want to go vote?

They can collect signatures, they can do it 250 feet away from the polls, just like everybody else. I would ask the Members of this body to defeat the pending Motion and Accept the Minority Report.

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

Senator PIERCE: Mr. President and Members of the Senate: I would like to point out a couple of facts. First of all the bill as it came from the other body is not even the Minority Report which is signed out, the one which the good Senator from York, signed.

Originally the bill wanted to prohibit the taking of all signatures from inside any school, or any place where you might be voting, and outside within an area of 250 feet. The overwhelming Majority of the Committee, as you

can see, felt that the bill Ought Not to Pass. The Minority of the Committee, the 3 members who did sign it out, signed it out with a Committee Amendment which said, Yes, in a school, at a table, provided, etc., as the present law reads. People could take signatures, but outside that building, for an area of 250 feet, they could not.

It now comes from the other Body much in the condition of the original bill, which says that you cannot take any signatures within any building, and also outside within an area of 250 feet.

I submit that the petition process is one that goes to the very heart of our Democratic System. I don't think it is abused. There are at least 2 or 3 communities who choose not to do this, and all the municipal officials have to do is say that they feel there is interference with the voting process and it is disallowed. There are at least a couple of communities, we heard at the hearing that do that, so if the good Senator has a problem in Biddeford, then I suggest he ask his officials not to allow the taking of petitions.

While in some areas it might be a little bit bothersome, I think the near elimination of this, and this would deal a serious blow to the taking of these signatures obviously, far out weighs the some kind of minor inconvenience which might be had in some communities, but I suspect that in most communities, it is not very troublesome.

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

Senator KATZ: Mr. President. The rights of two different groups of people are involved here. The first rights are the rights of the voting public to have an atmosphere on election day, at the polls, that permits them freedom from any kind of political activity. Then there are the concerns of those who want to petition their government. It is very apparent that this bill indicates that there is a conflict between the two.

I served on the Election Laws Committee for a couple of terms and we scrupulously attempted to protect the people who went to the polls from any political activity. We set up some barriers such as 250 feet. We made some comment as to what kind of permissible activity that there should be within the polling places, and it seems to me that this is the process that should be protected. This is the process that probably is the significant process that we consistently have dealt with.

I tend to agree with the Senator from York, Senator Farley, that all political activities, and I do not mean just partisan political activity or political activity on the part of a candidate, but all political activity has no place within a polling place or within 250 feet.

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

Senator SILVERMAN: Mr. President and Members of the Senate: I would like to concur with the Senator from Augusta, Kennebec, and Senator from York, Senator Farley.

I have seen in my area, where the lines go to vote, and along comes a table and a chair and a petition, right near those lines and someone pays someone \$100 to go down there and sit and gather signatures and I could mention the many referendum questions we have had and that is how many of those signatures were gathered.

I think when people have the right to vote, I do not think there should be near that right to vote in the polling booth someone who is paid so much money to sit there and gather petition names on something that is very controversial evidently or they would not be out gathering petitions. I think that for the right to vote that we should at least leave the polling places free of petition gathering. Therefore that would be my approach on it.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: The privacy of the voter is of paramount importance, you will find many times people have a difficult enough time evaluating, analyzing the issue that they will be voting upon without being harassed or intimidated by certain people who wish to gather signatures for another cause.

I have brought many people to the polls and maybe this is more prevalent in large communities in the State of Maine. Many times, they do not fully comprehend exactly who some of the candidates are, even at the municipal level or at the State level, even though you can not really discuss this in depth.

Sometimes there are flyers put out discussing the issue pro and con, and this might give them an overview of what is taking place in the polling place.

If we who transport people to the polls are not given the privilege and honor of doing the same as the people with a vested interest at the polling place by gathering signatures then this definitely should not become law.

Many communities are very reluctant to address the problem of who should or who should not be taking signatures at a polling place. I think that the only way that we can overcome this obstacle is to accept this report and put this bill through that will make it very clear to everybody concerned that there is a very definite clear state law, that says "if you want to gather signatures set your little table and chair up 250 feet away from the polling place and do it in that particular location."

I understand also that in this particular bill, that this does not prohibit the person from being in the polling place to discuss the issue with the voter, but it does prohibit the person from actually soliciting the signatures on those petitions.

A Division has been requested.

Will all those Senators in favor of the Motion by the Senator from Kennebec, Senator Pierce, that the Senate Accept the Majority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would request the Yeas and Nays.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I think that my city is perhaps one of the most active cities, when it comes to election day, and I was very interested in listening to the debate that was just completed.

I think that both sides have valid reasons for either wanting to pass or defeat the bill. But I think that what the good Senator from Kennebec, Senator Katz, has stated really in his debate against the bill, has given good reasons for it.

You know when we stop to analyze the number of voters who participate in an election, and I know that particularly in a municipal election, we get anywhere from 25 if we are lucky maybe 30 and sometimes down as low as 16% of the total electorate that turn out to vote.

These are the people who are concerned about the operation of government, they turn out faithfully we all know when we run in a

campaign the first thing that we do is we try to analyze, from the previous election, and find out those individuals who voted, because we know they are the people who turn out year after year. Those are the people who are concerned with what is going on in government. It is unfortunate that the rest of the people allow those same people to continue to make the decisions for them.

We have many polling places in the city of Portland, and as a municipal official there on occasion, I have walked in and sort of been a little upset to see so many ward clerks, ballot clerks and wardens and whatever else there is, conducting the election and then to see a table set off on the side where somebody is gathering petitions. In all fairness to those people obtaining the petitions, I have never seen anyone, harassed or anyone intimidated or anything that prevented them from going along on their normal activities.

I think that it is perhaps one of the only ways and perhaps a very good way, for the citizens who are interested, in participating in democracy to have the opportunity of signing these petitions if they so choose.

To put someone outside the building 250 feet away we know what a mechanized world it is today. Most people drive up in a car run in and vote come out and back in their car and they are gone.

It seems to me that people should be given an opportunity, we read in the paper about petitions what is going on and some people say where are the petitioners? Well at least this gives them the opportunity to be able to validate that petition to sign the petition if they want, and if they do not want they just keep going on their merry way.

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

Senator FARLEY: Mr. President and Members of the Senate: There is one fundamental question here at issue, if I as a candidate can't hand out a little card, 250 feet near the polls, why should that man be able to collect signatures 2 feet from the polling places or inside the polling place? He is not better than I am. He can stand out there, 250 feet away and collect signatures if the cause is big enough, or great enough.

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

Senator PIERCE: Mr. President, I think that the question that we face here this morning is not a light one. I think that the question we face here this morning, goes to the very heart of our democratic process.

I would just point out that not one member of this Committee, not one, reported out this Bill in its present form, they rejected it.

If you go to California and we read about it all the time, they have all sorts of petitions on the ballots, you know why they do? Because it is very easy to get things on the ballot in California and a lot of other states. They require a very low number of signatures.

Maine has taken the opposite route. We require a very large number of signatures, and just think back over the last few years.

The Milk Commission issue is a classic one, which was an emotional issue. A lot of people were involved in, but yet they couldn't get enough signatures to get that on the ballot. When you think back which ones have been on the ballot, there have been very few.

There has to be a genuine state-wide grassroots effort to do it, and if you were around in the primary when Bigelow was on the ballot, people came out to vote for Bigelow more than they did for any candidate.

On the Uniform Property Tax, now maybe most of us here might have not agreed with them, might not have agreed with what they did, but nobody can deny that that was not a grass-roots effort.

I disagree heartily with the Senator from Washington, who says these are mostly paid

people. The overwhelming number of these people, the overwhelming number are paid nothing. They sit there for long hours, and it's a very boring job to get signatures, and if you look at the organized campaign, like the UPT or Bigelow or some of them, they're almost all unpaid volunteers.

I think that if we pass this Legislation, then for all practical purposes we are wiping out the petition process, as a means of addressing your government when perhaps the government hasn't heard what some people want to say. Whether we disagree with them or don't disagree with them, this is a very fundamental right of our process to do this, and I shudder to think that we should all but deny them that right by passage of this legislation.

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

Senator FARLEY: Mr. President and Members of the Senate: Very, very briefly, first of all the last 3 or 4 petition drives at the polls I never recognized one of the people at the polls collecting signatures, 65 to 70% of them are out of state college students here, not local people.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: If the good Senator from Kennebec, Senator Pierce, thinks it's going to wipe out the petition process, I'd just like to remind him of the recent initiated petition process to repeal the bottle bill, where there are no polling places to go to except grocery stores, and places like them. They gathered enough signatures didn't they, as a classic example or a difference between what he has proposed earlier that it would be wiping out the petition process, versus what has already been accomplished in recent times.

(Off Record Remarks)

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

Senator KATZ: Mr. President, you may have noticed that as the Senator from Kennebec, Senator Pierce, rose to applaud the Members of the Civic League, he had trouble struggling to his place because he is so tightly wrapped in the American flag.

Actually there is a little bit of the flag draped around me, too. In my time on the Election Laws Committee, the most precious thing that we sought to protect was the integrity of the Electoral Process. The basic question is, not the rights of people to petition the government but whether you feel any political activities contribute to the process on election day at the polls, whether it's partisan, whether it's on behalf of a candidate, whether it's the God's work or the devil's work. Do you believe that the polling places should be the scene of political activity on election day, and it's that simple.

If you feel that the polling places should be protected and kept free and pure from political activity you'll vote one way, and if you want to rationalize yourself along side of the interesting position of Senator Pierce, you'll vote the other way.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I'd just like to address a couple of quick points, having unfurled the flag.

First of all, I think Senator Minkowsky brought up the point that you can get it in other manners, and the bottle bill did it, sure because you had one special group with a very unique ability, the grocers with a very vested interest, who had a place to get petitions. But you put a petition for most anything else in their store, and it's either under the counter, or it's gone pretty darn quickly.

I would like to address the college student question. How many college students, I wonder, were involved in the petition drive for the Uniform Property Tax Repeal? I don't think anyone can say that was a college student involvement drive. That was Maine people, and we're all as we said, several times today, we're all for local control. Well there are a couple of towns who don't want people with their petitions, and they ask them not to, and the warden has the complete right to do that, and they are not there.

I submit in most communities the wardens go out of their way to place them where they won't be in the way of people, they give them a table, they find them a chair, and they keep the process intact, which should be dear to all of us.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

A Roll Call has been ordered.

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

A No Vote will be opposed.

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

ROLL CALL

YEA — Ault, Chapman, Clark, Conley, Danton, Emerson, Najarian, Perkins, Pierce, Shute, Sutton, Teague, Trotzky.

NAY — Carpenter, Collins, Cote, Farley, Gill, Hichens, Huber, Katz, Lovell, McBreairey, Minkowsky, Pray, Silverman, Trafton, Usher.

ABSENT — Devoe, Martin, O'Leary, Redmond.

Senator Danton of York, was granted permission to change his vote from Yea to Nay.

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 Accept the Ought Not to Pass Report does not prevail.

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

Senate at Ease

The Senate called to order by the President.

On Motion by Senator Katz, of Kennebec, L. D. 208 Tabled for 1 Legislative Day, pending adoption of Committee Amendment "A".

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

Senator LOVELL: In regard to H. P. 1339, the Joint Order that we defeated just before this bill, I would move reconsideration, and hope that you will vote against me.

The PRESIDENT: The Senator from York, Senator Lovell, moves the Senate reconsider its action whereby Joint Order relative to recalling: Bill, "An Act to Relate the Qualifying Wage Levels for Unemployment Compensation to the Average Weekly Wage." (H. P. 437) (L. D. 554) (H. P. 1339) was Indefinitely Postponed.

Will all those Senators in favor of the Motion to Reconsider, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

Senator Minkowsky of Androscoggin, was granted unanimous consent to address the Senate, On the Record.

Senator MINKOWSKY: Thank you very much. Mr. President, Members of the Senate: The Members of the Special Task Force on Economic Affairs, the Council of State Govern-

ment asked for an update on the Fiscal Year 1980 relevant to the revenue sharing, and it just went briefly in this particular manner, Mr. President.

On April 4, the House Budget Committee voted to eliminate from the FY '80 budget that portion of General Revenue Sharing funds which go directly to the states. According to the amendment contained in the Reauthorization of the General Revenue Sharing Fund of 1976, one-third of the total of \$7 billion dollars from the Budget Committee is successful in persuading the full Congress to eliminate that state's share, and this is under the leadership of Robert Giarno, Democrat of Connecticut. The States stand to lose \$2.285 billion dollars for the fiscal year beginning October 1, 1979. Of this amount, the Northeast will lose \$583 million.

Although the Senate Finance Committee has included the full \$7 billion authorization for revenue sharing in its budget resolution for 1980, a move to cut out the states' share was narrowly defeated by a vote of 10 to 8. Clearly, the commitment to continue the revenue sharing program in full force is shaky in both houses of the Congress.

As of this writing, which was April 23 the First Concurrent Budget Resolution is expected to reach the floor of the House on May 1. The members of the Task Force are urged to contact their congressional delegations as soon as possible to express their strong opposition to this measure.

I thought the Members of the Maine Senate would be interested in that particular evaluation, Mr. President.

The PRESIDENT: The Chair is certain they most certainly were.

The Chair appointed on the part of the Senate as Conferees on "An Act Relating to Occupational Loss of Hearing." (S. P. 199) (L. D. 495) Senators:

SUTTON of Oxford
LOVELL of York
CARPENTER of Aroostook

On Motion by Senator Pierce of Kennebec, adjourned until 1:30 o'clock tomorrow afternoon.