

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

STATE OF MAINE
One Hundred and Ninth Legislature
JOURNAL OF THE SENATE

April 30, 1979

Senate was called to Order by the President.

Prayer by the Honorable David R. Ault, of Wayne.

Senator AULT: Lord, help us to remember that nothing is going to happen to us this week, nor are there any decisions we're going to have to make that you and we can't handle together. Amen.

Reading of the Journal of yesterday.

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

**Paper from the House
Committee Report
House
Ought to Pass**

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Extend the Deadline for Enactment of Educational Funding Legislation for 1979 from May 1st to May 15th." (Emergency) (H. P. 1352) (L. D. 1590)

Reports pursuant to Joint Order (H. P. 1349) that the same Ought to Pass.

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

Which Report was Read.

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

Under further Suspension of the Rules, the Bill Read a Second Time, and Passed to be Engrossed in concurrence.

Sent forthwith to the Engrossing Department.

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

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

In the House, April 23, Passed to be Engrossed.

In the Senate, April 26, Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Adhered.

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

Senator KATZ: I move the Senate Adhere.

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: I would oppose the pending motion and hope that we would try to do something to alleviate a problem or to help the situation, which we in the northern part of the state, and along the Canadian Border in Washington County are having.

I really don't think it's too much to ask that we require a little bit of reciprocity, in my particular area, with the Canadian people. We have to have a work permit in order to go across to the other side of the border, and I don't see where the great objection is. There's been a great deal of discussion over the past few years, in particular by the Maine's Woodmen's Association about the problems that exist in Northern Maine with the Canadian laborers coming in and putting our people out of work, and I would hope that you would oppose the pending motion; and I would move in place of the pending motion that the Senate Recede and Concur.

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

Senator KATZ: Mr. President, I was remiss in not making a couple of remarks about my motion to Adhere. It is my understanding that

in these waning days of this session that the other Body has established a policy that wherever it is highly unlikely a bill can be salvaged or the issue is not overwhelming that in the interest of time, where the 2 Bodies are not together, to maintain a position to Adhere.

Of course, anyone is free to make a contrary motion. It is my intention to move to Adhere on L. D. 798, L. D. 549, to Recede and Concur, which is the effect of Adhering on L. D. 1337, and to Adhere on L. D. 292. The Senate has every right in the world to make any contrary motions, but I think you ought to understand the policy that by and large where it is highly unlikely that the two Bodies can get together, perhaps in the interest of time that we might accept the inevitable. I have no notion as to what the inevitable is on this one.

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

Senator CONLEY: Mr. President and Members of the Senate: I'm not aware of any particular agreement between the two houses to Adhering and Receding and Concurring. I think that we should look at this piece of legislation, and review it as to whether or not it's a piece of legislation that we should pass. Now this Body has passed this bill at one time, during this session, and I think that the arguments made for it are valid. I would concur with the good Senator from Aroostook, Senator Carpenter, and I would hope that the Senate would Recede and Concur, with the House.

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

Senator SILVERMAN: Could I ask what the motion is now?

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Carpenter, that the Senate Recede and Concur.

Senator SILVERMAN: I'd like to ask for a Roll Call on that and speak on the motion.

The PRESIDENT: A Roll Call has been requested.

The Senator has the floor.

Senator SILVERMAN: Members of the Maine State Senate: Over the years, we who have lived on the border areas of Maine have always allowed the Canadian work force to come in and take jobs. Some of those jobs could have been used by people who are unemployed in the State of Maine.

On the Canadian side of the border, they have been very stringent, and they have used the work permit, and other means not to allow Americans to work on their side of the border. Now one way of checking this, especially when you're talking in dealing with those who work in the woods, the wood harvesters, one way of checking this, is for the State of Maine, to require a work permit for any Canadian working in Maine, and living in New Brunswick. It's a very fair measure, and in turn, if the Province of New Brunswick, does not like this approach, they can come up with an arrangement where any American working in New Brunswick, and living in Maine does not need a work permit. That in my word is fairness, and that's why I would join with Senator Carpenter and Senator Conley, in saying to be fair to the work force in Maine, to allow Maine people to be employed as much as possible, in what jobs we have available, it's only fair to say, those who are coming into Maine to work should require a permit in reciprocity for their Province requiring a permit for Maine residents. Thank you.

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate: I don't quite understand what this is going to gain. If we issue work permits, all we are going to be doing is registering the people that are working, unless number one we charge them a fee, and then we'll make a little money on it, or number two, we refuse them the opportunity to get a work permit.

So if we really don't want to let them work here, we just ought to pass a law that states that no one from out-of-state can work in Maine, and let it go at that. If we're going to go beyond that, really all we're doing is registering those who work in here or else gaining some kind of fee. If you really feel we should do this, which I think is a real step backwards, in an enlightened day and age we're living in, as far as our neighbors, whether they be state or countries, are concerned, then I think we definitely need a fiscal note on this thing, because it's going to cost an awful lot of money to register everybody that's coming in here and then go around and find out whether they have a permit or not, I really can't see what kind of a step we're taking.

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

Senator CARPENTER: Mr. President, in response to my good friend, the Senator from Oxford, I would just say that I would be very comfortable if I felt that the only outcome of this bill was registration.

I know that when the woodsmen of the State of Maine, in the past 2 years have been trying to find out exactly how many Canadians there are working in the State of Maine, they have had a great deal of difficulty because there is no registration process now. As I say, if this was the only thing that was to be accomplished here, I'd be very happy.

I don't think it is though. If you remember 2 years ago, we passed a reciprocity bill dealing with trucking, trucking on this side of the border, trucking on the Quebec side of the border. It was simple reciprocity, whatever they do to us, we're going to do to them, is the way the bill basically was worded.

We've had a great deal of difficulty enforcing that, a great deal of difficulty, simply because in some instances, other governments don't operate in the same way that the Maine government operates. There have been instances when our people have been told, sure, you can work over here, you can haul over here as long as you get a permit, the law says you can get a permit. They go to the provincial capital, and there's an office there to issue permits, but they're not issuing at the moment.

So, therefore, they can't work, even though the law says, you've got to have a permit, you can have a permit, and there is an office established.

So, I guess you could call it selective permitting, if you will. I think we've got this problem with some of our neighbors as far as selective enforcement of their laws. Now I certainly don't think it's a step away from enlightenment if we have a problem and we do, in our particular area, and I think most of the Legislators from areas bordering with the Canadian Government, the Canadian Provinces, will tell you that there is a problem. I'm not quite sure how large it is, but I don't think it's too much to require that these work permits be issued, prior to coming over and assuming a job, assuming a job now, that if they weren't here would be taken by an American, by a Maine person.

I think the figure that was just released last week, we've got 7.5 or something like that % of our people out of work. I think that there are people in my area who could use these jobs. I happen to live right on the Canadian border, in the fair town of Houlton, and there are a great number of people, Canadian people, who do come across the border and who do get jobs, and I have no objection with that, as long as my people going the other way are treated equally as fairly, and equally as well. Thank you.

(Off Record Remarks)

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 Aroostook, Senator Carpenter, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of Receding and Concurring.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Carpenter, Chapman, Clark, Emerson, Gill, Hichens, Huber, Katz, McBreairty, Pierce, Shute, Silverman, Sutton, Teague, Trafton, Trotsky.

NAY — Collins, Conley, Devoe, Farley, Lovell, Martin, Minkowsky, Najarian, O'Leary, Pray, Redmond, Usher.

ABSENT — Danton, Perkins

A Roll Call was had.

15 Senators having voted in the affirmative, and 15 Senators in the negative, and 2 Senators being absent, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

Non-concurrent Matter

Bill, "An Act to Provide Restitution to Innocent Victims of Crimes." (H. P. 644) (L. D. 798)

In the House, April 18, Passed to be Engrossed as amended by Committee Amendment "A" (H-214) as amended by House Amendment "A" (H-228), thereto.

In the Senate, April 26, Bill and Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Insisted and Asked for a Committee of Conference.

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

Senator COLLINS: I move that the Senate Insist and Join in a Committee of Conference.

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I'd ask for 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.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I withdraw my request for a Roll Call.

The PRESIDENT: The Senator from Waldo, Senator Shute, withdraws his request for a Roll Call.

The Chair will order a Division.

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

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

10 Senators having voted in the affirmative and 18 Senators in the negative, the motion does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

Non-concurrent Matter

Bill, "An Act to Establish a Deadline for Removal of Ice Fishing Shacks." (H. P. 432) (L. D. 549)

In the House, April 25, Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amend-

ment "A" (H-252).

In the Senate, April 26, Minority "Ought Not to Pass" Report Read and Accepted, in non-concurrence.

Comes from the House, that Body Adhered.

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

Senator PIERCE: Mr. President, I move that the Senate Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion prevailed.

Non-concurrent Matter

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

In the Senate, April 26, Majority Report Read and Accepted and the Bill Passed to be Engrossed.

Comes from the House, Minority 'Ought Not to Pass' Report, Read and Accepted, in non-concurrence.

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

Senator PIERCE: Mr. President, I move that the Senate Recede and Concur.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: I request a Division on the Motion.

The PRESIDENT: A Division has been requested.

The Senator has the floor.

Senator FARLEY: Mr. President and Members of the Senate: This bill did pass this body 2 or 3 days ago. A very, very simple piece of legislation, I don't know what the problem is, it seems to be a good business bill for the State of Maine.

As the good Senator from York pointed out the other day, we are in the liquor business, and all this allows is those people when they are leaving their home, going back to Massachusetts, or where they came from to purchase liquor with a credit card.

Now it was pointed out again by the good Senator from York, not too many people today, a lot of people are getting away from cash and using credit cards. It seems to me if they can come in, buy drinks at a restaurant, and their meals and their rooms, and everything else on their credit card; it seems to be rather foolish for the State of Maine preventing someone from buying liquor at the Kittery Liquor Store on their way home. I would hope that this body would support my motion, my position and defeat the Motion to Recede and Concur, so I could then Insist.

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

Senator SHUTE: Mr. President and Members of the Senate: As you remember this bill didn't have the overwhelming support from either the committee or this body last week and it had less support down at the other end of the hall. I think the vote was 110 to 22, which is not to kill the bill, that's not much support. I really don't think the state needs to get in the credit card business for liquor in Kittery. We're giving Kittery a pretty good break down there now, the residents in Kittery, they get their liquor quite a lot cheaper than anywhere else in the state.

As far as people using credit cards to buy liquor, you can't buy beer in a grocery store with credit cards. Sometimes when people have a few drinks, they might think they're a little richer than they are when they go in a liquor store with a credit card, and I don't think they ought to be denying their family of money they could be using for maybe a better purpose.

So I hope the Senate would go along with the Motion to Recede and Concur on this bill.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

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

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I request a Roll Call.

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

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

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

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Androscoggin, Senator Cote.

Senator COTE: Mr. President, I request to pair my vote with the Senator from York, Senator Danton. If he were here he would be voting No, and I would be voting Yes.

The PRESIDENT: The Senator from Androscoggin, Senator Cote now requests leave of the Senate to pair his vote with the Senator from York, Senator Danton. If he were here, he would be voting Nay, and the Senator from Androscoggin, Senator Cote would be voting Yea.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: Since I sponsored this legislation, I couldn't agree more with the good Senator from York, Senator Farley; however, this morning I'm going to vote with the good Senator from Waldo, Senator Shute, who has been opposed to the bill, mainly because I think this is a perfect example of where a bill is not going to pass despite its merits, and I think perhaps we should rid ourselves of it with the greatest dispatch.

The PRESIDENT: A Yes vote will be in favor of Receding and Concurring.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Carpenter, Chapman, Clark, Emerson, Gill, Hichens, Huber, Katz, McBreairty, Pierce, Shute, Silverman, Sutton, Teague, Trafton, Trotsky

NAY — Collins, Conley, Devoe, Farley, Lovell, Martin, Minkowsky, Najarian, O'Leary, Pray, Redmond, Usher

ABSENT — Perkins

PAIRED — Cote—Danton.

A Roll Call was had.

Senator Collins of Knox, was granted permission to change his vote from No to Yes.

Senator Carpenter of Aroostook, was granted permission to change his vote from Yes to No.

17 Senators having voted in the affirmative and 12 Senators in the negative, with 2 Senators pairing their votes, and 1 Senator being absent, the Motion to Recede and Concur does prevail.

Non-concurrent Matter

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

In the House, April 25, Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-236).

In the Senate, April 26, Minority "Ought Not to Pass" Report, Read and Accepted, in non-

concurrence.

Comes from the House, that Body Adhered.

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

Senator KATZ: I move that the Senate Adhere.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: We have debated this bill to great lengths last week and basically explaining what the bill did at that time.

This is a bill dealing with the Child Labor Laws, and it increases the penalties in the main section of it. They really increase the penalties in relationship to the violation of the Child Labor Laws by increasing the penalties which are presently \$25 to \$200; up to \$100 for the first offense, \$200 for the second offense of violating the Child Labor Laws, and on offenses thereafter, on the third offense to make it a Class "D" crime.

Now the other day when the Senate Accepted the Majority Ought Not to Pass Report, I'm sorry, the Minority Ought Not to Pass Report, that same day, later on in the session, we passed a law which increases the penalties for growing fruit in New Hampshire to \$100 and \$200, it put it in that field of \$100 for a penalty of saying that that was a native grown product.

Now I'm kind of sorry that the Government Class from Unity High School, the 8th graders, who basically I would expect are around 13 years of age have left, because that's a lot of the people we're talking about, individuals in that age of 12 to perhaps 16 or 17, who are being taken advantage of in some areas of this State. We've had several reports through the daily press and through the weekly magazines of violations that are going on in this State.

I guess my problem comes down to the Motion that was made by the Senator from Kennebec, Senator Katz, that we Adhere on this, is exactly where are our priorities?

If we can pass a law and set a fine up for somebody who falsely advertises a Maine product, a vegetable or fruit or something, and increase the penalty up to that, then why can't we say for those who violate our Child Labor Laws that we're going to have a similar penalty? That's all, \$100, \$200, and as the offenses increase on the Child Labor Laws, something I hold very high is child labor, it's something that we should increase the penalties on, something we should put in perspective.

I think it is an erroneous action by this Senate, to Adhere to this, that if we decide that our priorities are higher on our products than our children, then there is definitely something wrong. I would request a Roll Call on the Motion to Adhere.

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 Kennebec, Senator Katz, that the Senate Adhere.

A Yes vote will be in favor of Adhering.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairey, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotsky.

NAY — Carpenter, Clark, Conley, Cote, Farley, Martin, Minkowsky, Najarian,

O'Leary, Pray, Silverman, Trafton, Usher.

ABSENT — Danton.

A Roll Call was had.

18 Senators having voted in the affirmative and 13 Senators in the negative, and 1 Senator being absent, the Motion to Adhere does prevail.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, having voted on the prevailing side, I'd ask for Reconsideration.

The PRESIDENT: The Senator from Oxford, Senator Sutton now moves that the Senate Reconsider its action whereby it voted to Adhere, on L. D. 292.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: I'm trying to count to 10 before I continue, because of how disturbed I am, as to the priorities that you people establish in this Chamber.

Last week the Senator from Cumberland, Senator Conley, I thought debated an issue very well of what I had just mentioned was the products that we grow in Maine and how we're going to establish penalties on that. Then, today to turn around and follow the same suit of what we did the other day, in relationship to our children. To those children in the state, whom advantage is being taken of, I think is very irresponsible.

I sit and I look around at some of the Members of this Chamber and ponder the debate that I've heard from them in the past, talking about protecting our children from liquor, from pornography, and the list goes on and on.

Here we're talking about penalties, I think for those who violate such a law, even the \$100 is not stiff enough. I suspect by the remarks of the Majority Floor Leader on the first issue, when he made reference to the other Body and the fact that what the other Body had done, now plays a role in what the Senate is going to do.

If my recollection of the rules is right, we're not supposed to refer to that. But I would suspect that the Republican Party, the Members of the Senate, in caucus decided this must be a bad bill, that we must be on the side in favor of business and we've got to kill this bill. It's not needed, it's not necessary. The reason, if anybody had taken the time to read the bill, the statement of fact, would find that there had been an increasing number of violations in the State.

The Maine Times, roughly a month, or a month and one-half ago had an article about one employer in this state who is constantly and continuously violating the Child Labor Laws. The Article itself wasn't that pleasant to read, when you read what happened to some of these young children working around machinery. That same employer not only violated the Child Labor Law, but violated OSHA Laws and many other laws. The physical damage, beyond medical repair that happened to some of these children, I think, is insidious, and for us to allow a \$25 fine, \$25 fine for somebody who violates that law. But if somebody comes into Maine and says Manchester grown vegetables, we're going to fine him \$100.

I would suggest that perhaps the Senate has shown its true colors today, in its priorities, of where the philosophical sides of the parties lie. If you feel that you're promoting businesses by taking such a stand, that you don't want to increase the penalties for those who violate the law, and we've addressed that on a number of other issues, then I think that what we have just done, is a very shameful reflection upon this Chamber.

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

Senator KATZ: Mr. President, the Senator from Penobscot is attempting to accomplish 1 or 3 things I'm not quite sure what it is. It may

be he's trying to fill the record up with so much debate that shows who the good guys are and who the bad guys are. so he can reproduce it and send it to his constituents, that might possibly be one of his motives.

A second motive might be that he wants to change our opinion, and that's legitimate debate, to change the opinions of people who disagree with him, so that they will agree with him, and if that is his motive he has overkilled, very significantly.

A third alternative is, he is lecturing us, and trying to make good guys out of us just on the basis of lecturing. If that is the case it is preposterous. If ever an issue has been debated I must say that it has never been debated either in the corridor, in my office, in Republican Caucus or anywhere else. The only place I've ever heard anything about this bill is right on the floor. If ever a man has had a day in court, or 2 days in court or 3 days in court on an issue the Senator from Penobscot, has had that opportunity.

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

Senator PRAY: Mr. President and Members of the Senate: Again the issue is never addressed. We come down on Labor Bill after Labor Bill, dealing with penalties, dealing with those who violate the law, and time and time again the issue is never addressed.

I think that the Majority Floor Leader, the Senator from Kennebec, Senator Katz, has again taken that same route that has been taken so many times before, to skirt the issue. What I addressed was the Child Labor Laws and the violations that are taking place and what those penalties are.

Again this Chamber has ignored the issue, I do not fault anybody for voting the way that they feel, if they are for or against legislation that is fine, but to never address those issues. I have seen it happen time and time again, and I could run down through the Bills which would serve no purpose. I have made this point before that we do not address those issues.

The debate on this bill was one sided, as to why we should increase the penalties. The fact that there are violations out there, an alignment of priorities with other issues that we have acted upon in this Chamber and the penalties that we have assessed to those laws, and an attempt to appeal to you to put those two issues in perspective and pass the law.

Perhaps the method that I use is not favorable to the Senator from Kennebec, Senator Katz. I have on occasion read his sixteen years of history, his legislative debate. I have found very fine, eloquent speeches, I have found some that would not be the course that I would have taken, I have found him victorious on some and losing on others, but I do not fault him for that.

The attempt that I made here today, was to put those things in perspective and hope that we would address an issue that is there. Something that I feel we should address.

I highly dislike the fact we have vote after vote without the other side debating the issue, ever responding to a point. Are the Child Labor Laws being violated in this State? Fact, Yes they are. The penalty \$25. minimum. Should it be raised? Nobody says it should, nobody says that it shouldn't, on the other side of the issue. Nobody sits there and says that while the Senator from Penobscot, Senator Pray states that we increase the penalties for produce, false advertising of produce, should be higher or lower, but the question right now is whether our Child Labor Laws should be addressed the same way. I would say higher, but I am willing to settle for the compromise, I guess that the Republican Party is not.

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

Senator SUTTON: I do not want to belabor this thing, but I have never heard anything quite like this in my life.

This trying to push people into the good guys and bad guys thing. If this were the 18th century or the 19th century, I would think that we probably would have good cause probably to be debating Child Labor Laws. It isn't, it is the 20th century.

It also seems to me that there are those in this body, who equate debate, who equate whether a subject is having its due or not, based on whether you agree with them. If you happened to disagree with them then the issue is not being addressed, it is not being handled fairly and it is not being debated. I do not think that that is so.

These Child Labor Laws that they are talking about, have to do with possibly posting a poster in a small plant some place, and if three times you fail to do that, you could have a Class D crime and go to jail.

Now that does not make much sense, does it.

There is a lot to what this is all about and it has not been brought entirely up and it hasn't been brought entirely out by the Senator from Penobscot.

We have all kinds of safety regulations for young people, in fact, there are a lot of people that think that the age for people working should be lowered, not raised. In fact, I think that this was brought out in some of your discussions before the Education Committee.

I think this has gotten completely out of perspective and I do resent the fact, as one who is trying to be thoughtful about the things that we are discussing in here to have it laid on me that, because I do not happen to agree with someone that I am not addressing the issue, and I do not understand what is going on.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I did not intend to get into this debate, but I think that I share some of the frustrations of the Senator from Penobscot.

I thank the Senator from Oxford, Senator Sutton, for discussing the issue.

I guess, again in agreement with the Senator from Penobscot, Senator Pray, part of my frustration is long term, in asking people, well why are you for this Bill or why are you against this, and all you get is a shrug of the shoulders, I just get a little bit disgusted with that.

I think that I want to make sure that the record is clear and that we all understand what we are doing here if we kill this Bill, is in fact lowering the penalties for violation of minimum wage, sorry of Child Labor Laws, caught up on two different bills, I apologize.

As I understand it the minimum fines were instituted in either 1954 or 1963 depending on which section of the law we are dealing with. If we kill this Bill, by virtue of the very fact that during the last 20 years, 10 years especially, we have had widespread inflation in this country. I mean \$25 does not mean the same thing today that it meant in 1954 or 1963. So if we do not raise the penalties and I look at the penalties in Committee Amendment "A" under House 236, I do not think that the penalties are really very severe.

If I had a child and found that my child was being worked or used in violation of the Child Labor Laws, I certainly would want a couple of hundred dollars out of the hide of the person who used my child. I think that everyone in this Chamber, Republican or Democrat would want the same thing. Just keep in mind that if we do not adjust these penalties upwards, that the price of the commodity or whatever happens to be manufactured by the person, and apparently there are some who are violating the Child Labor Laws, the prices of those manufactured goods have gone up how much in the last 25 years or the last 16 years? It has gone up a lot. The penalties for the violation of these wages has stayed the same.

If we do not raise the fine commensurate with the rising rate of inflation then what we

are doing is we are in effect lowering the cost to the employer to break the Child Labor Laws, if my economics are not faulty and I believe it to be accurate. So if we kill this Bill today what in effect we are doing for the working young people in this state is that we are saying to the employer it is going to cost you less to break a Child Labor Law and I would say considerably less, looking at the period of time and knowing the rate of inflation over that period of time. We are going to make it easier for the employers in the State of Maine to break the Child Labor Laws, and they have less to worry about than they had when these laws were originally enacted in 1954 and 1963. Thank you.

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

Senator PRAY: Mr. President and Members of the Senate: I want to first of all thank the Senator from Oxford, Senator Sutton, for addressing the issue.

In his remarks he stated that not only are we increasing the penalties for those who violate the Child Labor Laws, but for those who fail to post notices as well. Well I would like to just share with the Chamber, his concern on that. He said, if my recollection is correct that we would be increasing the penalties, for those who fail to post and we would be making it a Class D crime for the third offense.

The current penalty for failure to post and keeping of records and so on, is a \$100 to \$500 for each offense. The change in this law, would make it \$100 for the first offense \$200 thereafter, No Class D crime, not under that section of the Bill, that he referred to. The only section of the Bill that refers to a Class D crime is those on the Child Labor Laws.

So I would hope that nobody would get the false impression that we are going to, for somebody failing to post, that we are going to increase the penalties; in fact, we are lowering them.

The second section of the Bill deals with unfair labor agreements as to wages. Presently the law is \$50 for each offense and we step up the penalty to \$100 for the first offense and \$200 for additional offenses.

The third section deals with employers who retaliate against an individual who makes a minimum wage complaint. If somebody felt that he was not getting paid time and a half and the employer wasn't paying him time and a half after 40 hours of work, and he called up the Bureau of Labor and says I think that this man owes me some money. If the individual, the employer retaliates against the person because the individual has just made the complaint, whether or not he wins it or loses it, the present penalties says \$50 to \$200. The current law would make it \$100 to \$200.

Again the third section, the last section, I am sorry, the fourth section, deals with the Child Labor Law, going from \$25 to \$200 up to \$100 to \$200 and thereafter a Class D crime. I would hope that we would support the motion made by the Senator from Oxford, Senator Sutton, and Reconsider.

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

Senator REDMOND: I rise to take issue with the comments that were made by the good Senator from Penobscot, to those who voted on this Bill.

I voted that way because I was guided by the experiences that I have had being an employer for the greater part of my life. I did not vote that way to try and look like a good guy or a bad guy.

The Child Labor Act is a good issue to make someone look like bad people who want to make children work hard, and not pay them very much. I would like to just take issue and I do not appreciate that type of remark that the Senator from Penobscot, has made. I have performed some work when I employed people, I performed government contracts, I performed various kinds of work and I never had one cita-

tion regarding the Child Labor Act.

All those that voted I am sure voted in good faith, and I would like to remind the good Senator he should start thinking about some enticements and some encouragement for people who are going to hire people and make jobs, and not keep trying to discourage them. This is just one more law that if some person is busy trying to get something going and I have had the experience of some grown up people who weighed about 200 pounds coming and in order to get a job they do not tell the truth about their age, and they find ways to try and get in, they really want a job and sometimes it takes a while, you can't always discover that. The employer I think is an endangered species and it is about time that we have some respect for them.

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

Senator CONLEY: Mr. President, through the Chair I wonder if the Secretary may read the report of the Committee.

The Committee Report was Read.

Senator CONLEY: Mr. President and Members of the Senate. I find it a little bit disbelieving to see the personalities become so enrapt that when a member of my party intends to debate an issue he is scorned by the Majority Floor Leader for trying to build a record of some kind. When, in fact, I believe that he is trying to set the record very straight.

Now there is no question in my mind that many bills that have come from the Joint Standing Committee on Labor, have had far better reports from that committee that have been dumped down the well, in this Chamber.

I personally feel that the good Senator from Penobscot, Senator Pray, as frustrated as I and other members of this Chamber may get on occasions with him, is speaking very direct and to the point and is on the correct side of the issue. He has certainly made a good comparison to the Bill that was passed and enacted here last week, in dealing with farmers living on the dividing line or the border line of our state, with respect to selling native produce.

I think that our top priority in this state is our youth. I think that we have individuals in this state who will exploit them and take advantage of them on every chance that they get. We have one firm that is not too distant from here that has established the top record in doing that.

I can understand the good Senator from Oxford, Senator Sutton, getting upset because, personally, if I were sitting in his seat and if I had to listen to the good Senator from Penobscot, Senator Pray, bring a hammer down as heavy as he did, I would apologize for Senator Pray bringing a hammer down as heavy as he did, I would apologize for Senator Pray, but on the other hand I believe that he is direct, he is strong on the point and I do not believe that we should allow these employers throughout the state to take one ounce more advantage of our youth and I would encourage the Senate to vote to Reconsider this Bill.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Oxford, Senator Sutton, that the Senate Reconsider its action whereby it voted to Adhere on L. D. 292.

The Chair will order a Division.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I would request a Roll Call.

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

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

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

The pending question before the Senate is the

Motion by the Senator from Oxford, Senator Sutton, that the Senate Reconsider.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

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

ROLL CALL

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

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

ABSENT — Danton.

A Roll Call was had.

13 Senators having voted in the affirmative and 18 Senators in the negative with 1 Senator being absent, the Motion to Reconsider does not prevail.

(Off Record Remarks)

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

Senator KATZ: I move that the Senate Reconsider its action whereby it moved to Adhere on L. D. 830.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate Reconsider its action whereby it Adhered on Bill, "An Act Concerning the Issuance of Work Permits and Charging of Fees." (H. P. 670) (L. D. 830).

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I would move that this item be tabled, pending Reconsideration.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, moves that L. D. 830 be tabled pending the Motion by the Senator from Kennebec, Senator Katz.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 830, 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 19 Senators in the negative, the Motion to Table does not prevail.

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

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: I would like to speak one more time on this issue. The issue of allowing Canadian labor to come into Maine and take jobs that possibly Maine people could have.

I realize that the vote was 15 to 15 tie, but I realize something else, that the Canadian Government in the Province of New Brunswick will protect their working jobs, and will protect their working force. The Senate of Maine today, is going to say, as far as the jobs in Maine go, you get no protection, even in a reciprocity agreement. If you want to leave this body with that on your conscience when people who need jobs in Maine, people who go with families and need to be employed can not get that job, because a Canadian has it, then you walk out of here and say that is all right, while the Province of New Brunswick protects their work force and you want the reputation that you do not protect your work force, then it belongs to you, not to me. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request that when the vote is taken it be taken by the

Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

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

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz that the Senate Reconsider its action whereby it voted to Adhere.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

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

ROLL CALL

YEA — Ault, Carpenter, Clark, Conley, Farley, Hichens, Martin, McBrearty, Najarian, O'Leary, Pray, Shute, Silverman, Trafton, Usher.

NAY — Chapman, Collins, Cote, Devoe, Emerson, Gill, Huber, Katz, Lovell, Minkowsky, Perkins, Pierce, Redmond, Sutton, Teague, Trotzky.

ABSENT — Danton.

A Roll Call was had.

15 Senators having voted in the affirmative and 16 Senators in the negative, with 1 Senator being absent, the Motion to Reconsider does not prevail.

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

Senator KATZ: I move that the Senate reconsider its action whereby it voted to Adhere L. D. 798.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Reconsider its action whereby it voted to Adhere, on Bill, "An Act to Provide Restitution to Innocent Victims of Crimes." (H. P. 644) (L. D. 798).

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not prevail.

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

Senator KATZ: I move that the Senate reconsider its action whereby it voted to Adhere, on L. D. 549.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Reconsider its action whereby it voted to Adhere, on Bill "An Act to Establish a Deadline for Removal of Ice Fishing Shacks." (H. P. 432) (L. D. 549).

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not prevail.

Joint Order

An Expression of Legislative Sentiment recognizing that:

The students of the University of Maine have participated in the largest organized blood drive ever held in this State. . . (H. P. 1347)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Communications

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

April 27, 1979

Dear Madam Secretary:

The House voted today to Adhere to its action whereby it accepted the "Ought Not to Pass" Report of the Committee on Labor on Bill "An Act to Provide for Holiday Pay under the Employment Security Law" (H. P. 604) (L. D. 750).

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on file.

HOUSE OF REPRESENTATIVES

April 27, 1979

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

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act to Authorize Service of Process by Notaries Public and Justices of the Peace" (S. P. 246) (L. D. 695).

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on file.

SENATE CHAMBER

President's Office

Honorable James McBrearty
Honorable William Blodgett
Chairmen, Energy & Natural Resources Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Richard E. Barringer of Hallowell for reappointment as Commissioner of Conservation.

Pursuant to Title 12, MRSA, Section 5011, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,
JOSEPH SEWALL
President of the Senate
JOHN L. MARTIN
Speaker of the House
(S. P. 526)

Which was Read and Referred to the Committee on Energy and Natural Resources.
Sent down for concurrence.

SENATE CHAMBER

President's Office

April 27, 1979

Honorable Samuel W. Collins, Jr.
Honorable Barry J. Hobbins
Chairmen, Judiciary Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Robert W. Clifford of Lewiston to be a Superior Court Justice.

Pursuant to Title 4, MRSA, Section 101, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,
JOSEPH SEWALL
President of the Senate
JOHN MARTIN
Speaker of the House
(S. P. 527)

Which was Read and Referred to the Committee on Judiciary
Sent down for concurrence.

SENATE CHAMBER

President's Office

April 27, 1979

Honorable Howard Trotzky
Honorable Laurence Connolly
Chairmen, Education Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Francis A. Brown of Calais for reappointment to the Board of Trustees of the University of Maine.

Pursuant to Title 20, MRSA, Section 2251, this nomination will require review by the Joint Standing Committee on Education and Confirmation by the Senate.

Sincerely,
JOSEPH SEWALL
President of the Senate
JOHN MARTIN
Speaker of the House
(S. P. 528)

Which was Read and Referred to the Committee on Education.

Sent down for concurrence.

SENATE CHAMBER President's Office

April 26, 1979

Honorable Roland L. Sutton
Honorable Jasper S. Wyman
Chairmen, Labor Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is withdrawing his nomination of Gary F. Thorne of Old Town to serve as the public alternate member of the Maine Labor Relations Board.

This nomination is presently pending before the Joint Standing Committee on Labor.

Sincerely,
JOSEPH SEWALL
President of the Senate
JOHN MARTIN
Speaker of the House
(S. P. 529)

Which was Read and Referred to the Committee on Labor.

Sent down for concurrence.

Order

On motion by Senator Shute of Waldo.

WHEREAS, the local control of automobile graveyards and junkyards is of great importance; and

WHEREAS, there are many illegal junkyards in existence; and

WHEREAS, there are differences in the definition of junkyards at both the state and federal level; and

WHEREAS, there may be a loss of federal funds if these differences are not corrected; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determination hereinafter provided, that the Joint Standing Committee on Legal Affairs shall study the statutes relating to automobile graveyards and junkyards to determine whether there is need for modifications in the law; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 109th Legislature or the First Regular Session of the 110th Legislature; and be it further

ORDERED, that there is allocated from the Legislative Account the sum of \$5,000 to carry out the purposes of this study; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

(S. P. 524)

Which was Read.

On motion by Senator Katz, of Kennebec, Tabled pending Passage.

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 Reinstate Aid to Families with Dependent Children Payments for Unborn Children." (H. P. 687) (L. D. 867)

Bill, "An Act to Allow the Temporary Placement of Real Estate Signs under the Maine Traveler Information Services Statutes." (H. P. 657) (L. D. 817)

Bill, "An Act Amending Maine Traveler Information Services Statutes." (H. P. 456) (L. D. 568)

Leave to Withdraw

The Committee on Aging, Retirement and Veterans on, Bill, "An Act Concerning the Salaries which may be Earned by Retired Teachers Losing Benefits." (H. P. 1292) (L. D. 1552)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Requiring Motor Vehicle Owners and Operators to Carry Liability Insurance." (H. P. 994) (L. D. 1262)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Energy and Natural Resources on, Bill, "An Act to Reduce Duplication of Legislative Review of Air Quality and Emission Standard Regulations." (H. P. 890) (L. D. 1085)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act Concerning State Payments to Physical Therapists in Certain Nursing Homes." (H. P. 1208) (L. D. 1469)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Legal Affairs on, Bill, "An Act Relating to Automobile Graveyard and Junkyard Permit Fees." (H. P. 1061) (L. D. 1311)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Enforce Collection of Sales Tax at Coin Shows." (H. P. 939) (L. D. 1144)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Relieve Homeowners and Renters from the Burden of the Property Tax." (H. P. 165) (L. D. 197)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Increase Certain Motor Vehicle Excise Taxes." (H. P. 259) (L. D. 304)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Repeal State Valuation of Property Throughout the State." (H. P. 850) (L. D. 1050)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Establish Proration of Excise Taxes." (H. P. 1038) (L. D. 1279)

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 Fisheries and Wildlife on, Bill, "An Act to Increase Penalties for Owners of Dogs Chasing Moose, Caribou or Deer." (H. P. 300) (L. D. 399)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act to Provide for Dismissal of Frivolous Title Claims to Personal Property in Forcible Detainer Actions." (H. P. 599) (L. D. 743)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act Concerning Causes for a Seven-day Notice of Termination of Tenancy." (H. P. 466) (L. D. 586)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act Concerning Restitution under the Juvenile Code." (H. P. 746) (L. D. 932)

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 to Designate the Moose as the State Animal." (H. P. 713) (L. D. 886)

Reported that the same Ought to Pass.

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

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

The Committee on Transportation on, Bill, "An Act to Allow the Evaluation of the Existing Toll Facilities on the Maine Turnpike." (H. P. 533) (L. D. 654)

Reported that the same Ought to Pass.

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

Which Report was Read and Accepted in concurrence, and the Bill Read Once.

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

Senator FARLEY: Mr. President, I request this item lie on the Table 1 Legislative Day.

I withdraw my motion.

The PRESIDENT: The Senator from York, Senator Farley withdraws his motion.

The Bill, Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Agriculture on, Bill, "An Act to Define What Foods May be Labeled or Advertised as Natural or Organic." (H. P. 1016) (L. D. 1286)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-269)

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Regulate the Hunting of Bear." (H. P. 497) (L. D. 634)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-271)

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Eliminate an Unnecessary Reference in the Hunting Statutes to Use of Lights to Hunt from Vehicles." (H. P. 276) (L. D. 351)

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

270)

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

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Allow Assignment of Personnel in Emergency Situations." (H. P. 1090) (L. D. 1344)

Reported that the same Ought to Pass.

Signed:

Senators:

AULT of Kennebec
MARTIN of Aroostook
SUTTON of Oxford

Representatives:

BARRY of Fort Kent
CONARY of Oakland
LANCASTER of Kittery
DAMREN of Belgrade
KANY of Waterville
BACHRACH of Brunswick
REEVES of Pittston
LUND of Augusta
MASTERTON of Cape Elizabeth

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

Signed:

Representative:

PARADIS of Augusta

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

Which Reports were Read.

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Amend the Salary Range for the State Librarian and the Executive Director of the Historic Preservation Commission." (H. P. 1035) (L. D. 1272)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-266)

Signed:

Senators:

AULT of Kennebec
MARTIN of Aroostook
SUTTON of Oxford

Representatives:

BACHRACH of Brunswick
LANCASTER of Kittery
MASTERTON of Cape Elizabeth
PARADIS of Augusta
LUND of Augusta
CONARY of Oakland
DAMREN of Belgrade
KANY of Waterville

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

Signed:

Representatives:

REEVES of Pittston
BARRY of Fort Kent

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

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

Reading.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Concerning Unclassified Personnel in the Department of Educational and Cultural Services." (H. P. 757) (L. D. 961)

Reported that the same Ought Not to Pass.

Signed:

Senators:

AULT of Kennebec
SUTTON of Oxford

Representatives:

KANY of Waterville
BACHRACH of Brunswick
BARRY of Fort Kent
CONARY of Oakland
LUND of Augusta
PARADIS of Augusta
MASTERTON of Cape Elizabeth
REEVES of Pittston

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

Signed:

Representatives:

DAMREN of Belgrade
LANCASTER of Kittery

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

Which Reports were Read.

The Majority Ought Not to Pass Report of the Committee, Accepted, in concurrence.

Senate

Leave to Withdraw

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Clarify the Law Relating to Liability of Relatives for Support." (S. P. 103) (L. D. 206)

Reported that the same be granted Leave to Withdraw.

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Prevent the Biological Parents of Adopted Children from Taking These Children After They Have Been Adopted." (S. P. 41) (L. D. 27)

Reported that the same be granted Leave to Withdraw.

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Permit Forfeiture of Property Used to Conceal, Store or Transport Stolen Goods." (S. P. 105) (L. D. 211)

Reported that the same be granted Leave to Withdraw.

Senator Ault for the Committee on State Government on, Bill, "An Act to Rename the Bureau of Consumer Protection to be the Bureau of Consumer Credit Protection." (S. P. 460) (L. D. 1420)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Senator Pray for the Committee on Labor on, Bill, "An Act to Allow Unions to Negotiate on Behalf of Former Employees of a Company with Which the Union is Negotiating." (S. P. 319) (L. D. 949)

Reported that the same be granted Leave to Withdraw.

Which Report was Read.

On motion by Senator Katz, Kennebec, Tabled for 1 Legislative Day, pending Acceptance of the Report.

Senator Pray for the Committee on Labor on, Bill, "An Act to Require that Holiday Pay be Considered Wages for the Purposes of Unemployment Compensation." (S. P. 309) (L. D. 902)

Reported that the same be granted Leave to Withdraw.

Which Report was Read.

On motion by Senator Katz of Kennebec, Tabled for 2 Legislative Days, pending Accep-

tance of the Report.

Ought to Pass

Senator Sutton for the Committee on Labor on, Bill, "An Act to Define Educational Institutions as they Relate to the Unemployment Compensation System." (S. P. 351) (L. D. 1099)

Reported that the same Ought to Pass.

Senator Emerson for the Committee on Local and County Government on, Bill, "An Act to Allow the Various Counties to Pay on a Biweekly Basis." (S. P. 124) (L. D. 250)

Reported that the same Ought to Pass.

Senator Cote for the Committee on Local and County Government on, Bill, "An Act to Provide Additional Assistance to the County Law Libraries." (S. P. 344) (L. D. 1032)

Reported that the same Ought to Pass.

Senator Ault for the Committee on State Government on, Bill, "An Act Relating to the Location of the Office of Superintendent of Insurance." (S. P. 441) (L. D. 1334)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Senator Trotzky for the Committee on Education on, Bill, "An Act to Permit Nonreceiving Units to Approve School Appropriations in a Single Warrant Article." (S. P. 173) (L. D. 379)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-123)

Senator Collins for the Committee on Judiciary on, Bill, "An Act Relating to Appointment of Bail Commissioners and to Lessen the Burden upon Sheriffs and the Court for "Prompt Bail Review." (S. P. 470) (L. D. 1418)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-127)

Senator O'Leary for the Committee on Transportation on, Bill, "An Act to Provide for a Single Number Plate and to Revise Motor Vehicle Registration Fees." (S. P. 233) (L. D. 685)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-124)

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

Ought to Pass in New Draft

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility." (S. P. 281) (L. D. 849)

Reported that the same Ought to Pass in new draft under same title, (S. P. 530) (L. D. 1589)

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

(Off Record Remarks)

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Require Safe Hunting Certification to Obtain a Hunting License." (S. P. 212) (L. D. 585)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-125)

Signed:

Senator:

USHER of Cumberland

Representatives:

MASTERMAN of Milo
JACQUES of Waterville
DOW of West Gardiner
MacEachern of Lincoln
GILLIS of Calais

VOSE of Eastport

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

Signed:
Senators:

PIERCE of Kennebec
REDMOND of Somerset

Representatives:

PAUL of Sanford
TOZIER of Unity
CHURCHILL of Orland
PETERSON of Caribou

Which Reports were Read.

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

Senator USHER: Mr. President, I move the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Usher, moves the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Would it be in order to ask a question on this bill at this time?

The PRESIDENT: The Chair would answer in the affirmative.

Senator SHUTE: Thank you Mr. President, and Members of the Senate: I'd like to ask any member of the Committee if an out-of-state person comes in for a license and they haven't had this National Rifle Association Course, or they haven't held a license for the last 2 years, or a safety course within their own state, are they prohibited from getting a State of Maine Hunting License, or is that waived?

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

On motion by Senator Katz, of Kennebec, Tabled for 1 Legislative Day, pending the motion by the Senator from Cumberland, Senator Usher.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Increase Merchandising in State Liquor Stores." (S. P. 433) (L. D. 1335)

Reported that the same Ought to Pass as amended by Committee "A" (S-126)

Signed:
Senators:

SHUTE of Waldo
FARLEY of York
COTE of Androscoggin

Representatives:

DUDLEY of Enfield
McSWEENEY of Old Orchard Beach
DELLERT of Gardiner
SOULAS of Bangor
GAVETT of Orono
CALL of Lewiston
VIOLETTE of Van Buren
MAXWELL of Jay

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

Signed:
Representatives:

STOVER of West Bath
BROWN of Gorham

Which Reports were Read.

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

Second Readers

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

House

Bill, "An Act Relating to Registration of

Trailers and Semitrailers under the Motor Vehicle Laws." (H. P. 1173) (L. D. 1439)

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

House — As Amended

Bill, "An Act to Revise the Service Requirements for Maine Veterans to Determine Eligibility for Veterans Benefits." (H. P. 943) (L. D. 1177)

Bill, "An Act to Require Construction Permits Prior to Building Hotels and Motels with 2 or more Stories." (H. P. 488) (L. D. 617)

Bill, "An Act Establishing Weight Tolerances for Certain Vehicles." (H. P. 575) (L. D. 723)

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

Senate — As amended

Bill, "An Act Relating to the Plumbing and Subsurface Disposal Laws." (S. P. 376) (L. D. 1156)

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

Sent down for concurrence.

Enactors

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

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

An Act to Prohibit an Intentional Attempt to Elude a Police Officer through High-speed Driving. (H. P. 543) (L. D. 674)

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

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

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

An Act to Revise the Method of Accounting for the Restriction on Additional Compensation for Retirees under the Maine State Retirement System. (H. P. 355) (L. D. 1103)

An Act Relating to the Operation of Snowmobiles on Private Ways. (S. P. 188) (L. D. 455)

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 Authorizing a Legislative Study on Family Impact. (S. P. 386) (L. D. 1198)

On motion by Senator Katz, of Kennebec, Tabled 1 Legislative Day, pending Enactment.

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

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

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

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

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate. On a different subject, something happened this weekend here in the Chamber. When you all came back today you should have all received a little note from the Model State Legislators, Model State Senators, if you will, who used this Chamber, Friday evening, all day Saturday, until noon-time yesterday. The only reason I wanted to make some remarks was because there was very little press coverage of what they were

doing or trying to do.

We had 150 young people here over the weekend, addressing many of the same issues that we're addressing here today. I just marvelled at the job they did, the seriousness of their nature.

I had one young man who sat here in the Senate Chamber, came away telling me that his whole attitude toward government had been changed. I was here all weekend, as were a number of other Legislators, and it just was a very, very good feeling.

I think it's maybe a sad commentary on our times that, had one-fifth of these, or one-tenth of these Model State Legislators gone out and ripped off a car or slashed some tires, it would have been splashed all over the newspapers. The only thing that did get into the newspapers was the fact that there was a little bit of a flap between the Republicans and the Democrats in the Legislature. All the good effort that these young people put forward over the weekend, here and down in the other body, seemed to have missed the public eye somehow.

I found it an extremely gratifying and just a nice feeling to be here with them. They dealt with the Members of the Staff here, and I want to thank the Members of the Staff, Paul and Jill, and the rest that were here, Terry, who were here on the weekend.

They dealt with Steve downstairs at the coffee shop and Steve had no problems with the 17 and 18 year olds than he's had with adults in previous times. I want to thank the Senators for the use of their desks, I hope that nothing was disturbed or moved out of place, and I just want you to know that there, and quite a few of them were here over the weekend. Thank you.

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

Enactor

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

Emergency

An Act to Extend the Deadline for Enactment of Educational Funding Legislation for 1979 from May 1st to May 15th. (H. P. 1352) (L. D. 1590)

This being an emergency measure and having received the affirmative votes of 23 members of the Senate, with 2 Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his Approval.

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