

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
May 2, 1979
Senate called to Order by the President.

Prayer by Dr. Richard Cleaves, Augusta Mental Health Institute.

Doctor CLEAVES: May we pray! Eternal God, we turn to you as we seek wisdom in guiding the affairs of the State, and where we seek to follow our best judgement, and being faithful to the trust placed in us by our people.

So be with us, each one, this day, and every day. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Allow State Championship Athletic Teams and Athletes the Right to Participate in New England Championship Events in Competition." (Emergency) (H. P. 901) (L. D. 1117)

In the Senate, March 28, Failed of Enactment, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (H-106) as amended by House Amendment "A" (H-143), thereto, in non-concurrence.

On Motion by Senator Katz, of Kennebec, Tabled, pending consideration.

Non-concurrent Matter

Bill, "An Act to Direct the Criminal Law Revision Commission to Study Treatment Alternatives for Sex Offenders." (H. P. 1310) (L. D. 1564)

In the House, April 18, Bill and Papers, Indefinitely Postponed.

In the Senate, April 27, Majority Report Read and Accepted, and the Bill Passed to be Engrossed, 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 the Senate Insist, and Join in a Committee of Conference.

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

Is this the pleasure of the Senate?

The Motion does Prevail.

House Paper

Bill, "An Act to Require the Reporting of Petroleum Inventories and Deliveries to the Office of Energy Resources." (Emergency) (H. P. 1355) (L. D. 1591)

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

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

Joint Order

An Expression of Legislative Sentiment recognizing that: Gari Gayle Snow of Scarborough has been named the state's new Mrs. Maine... (H. P. 1351)

Comes from the House, Read and Passed.
Which was Read and Passed, in concurrence.

Order

An Expression of Legislative Sentiment recognizing that: The Capital City will host 27 French exchange students and their advisors, Andre' Poirier, Hermon Bernier and Jacques Dubois from L'Ecole Secondaire Vanier, Quebec City... (S. P. 531) is presented by Senator Katz of Kennebec.

Which was Read and Passed.
Sent down for concurrence.

**Committee Reports
House**

Leave to Withdraw

The Committee on Legal Affairs on, RE-SOLVE, Authorizing Lyman F. Gray, Celia M. Gray and Bernard L. Gray to Bring Civil Action Against the State of Maine. (H. P. 399) (L. D. 506)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Revise the Qualifications for Burial in the Veterans Memorial Cemetery." (H. P. 923) (L. D. 1138)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-264).

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

The Committee on Education on, Bill, "An Act to Prohibit a School District from Offering Driver Education Courses for a Fee to a Student when a Duly Licensed Commercial School is Available." (H. P. 237) (L. D. 283)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-274).

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

The Committee on Judiciary on, Bill, "An Act to Provide for Ancillary Complaints in Second Offense Operating under the Influence Cases." (H. P. 1256) (L. D. 1510)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-294).

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

The Committee on Judiciary on, Bill, "An Act to Increase Fees Charged by Bail Commissioners." (H. P. 1129) (L. D. 1398)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-293).

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

The Committee on Marine Resources on, Bill, "An Act to Permit Depuration Facilities to Operate during Red Tide." (H. P. 755) (L. D. 937)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-296).

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

The Committee on Public Utilities on, Bill, "An Act Relating to Action by the Public Utilities Commission on Petitions by Electrical Companies for Certificates of Public Convenience and Necessity." (H. P. 164) (L. D. 196)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-298).

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

The Committee on Transportation on, Bill, "An Act Concerning Warning Signs Posted at Certain Railroad Grade Crossings under the Public Utilities Commission." (H. P. 1133) (L. D. 1401)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-290).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amend-

ment "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.

The Committee on Health and Institutional Services on, Bill, "An Act Concerning Access by Physically Disabled Persons to Certain Public Facilities." (H. P. 707) (L. D. 891)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-283).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-297), thereto.

Which Report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee 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 Judiciary on, Bill, "An Act Concerning Liability of Landowners to Recreational Users of their Land." (H. P. 243) (L. D. 288)

Reported that the same Ought to Pass in New Draft under new title, Bill, "An Act Concerning the Liability of Landowners for Recreational or Harvesting Activities on their Land." (H. P. 1350) (L. D. 1588)

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 Education on, Bill, "An Act to Extend the National School Breakfast Program Availability to Maine School Children." (H. P. 660) (L. D. 820)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

TROTZKY of Penobscot
MINKOWSKY of Androscoggin
GILL of Cumberland

Representatives:

LOCKE of Sebec
FENLASON of Danforth
BIRT of East Millinocket
DAVIS of Monmouth
LEIGHTON of Harrison
LEWIS of Auburn

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

Signed:

Representatives:

BEAULIEU of Portland
GOWEN of Standish
CONNOLLY of Portland
ROLDE of York.

Comes from the House, Bill and Papers, Indefinitely Postponed.

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Providing the Registration and Regulation of Off-road Vehicles." (H. P. 766) (L. D. 971)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

REDMOND of Somerset
PIERCE of Kennebec

Representatives:

PETERSON of Caribou
PAUL of Sanford
MASTERMAN of Milo
VOSE of Eastport
JACQUES of Waterville
DOW of West Gardiner
TOZIER of Unity
MacEACHERN of Lincoln
CHURCHILL of Orland
GILLIS of Calais

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-289).

Signed:

Senator:

USHER of Cumberland

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

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Limit the Use of State Funds for the Advocacy of Homosexual Practices." (H. P. 744) (L. D. 930)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
TRAFTON of Androscoggin
DEVOE of Penobscot

Representatives:

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

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

Signed:

Representative:

LAFFIN of Westbrook

Comes from the House, Bill and Papers, indefinitely Postponed.

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Provide for Life-line Electrical Service." (H.P. 840) (L. D. 1043)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DEVOE of Penobscot
COLLINS of Knox

Representatives:

CUNNINGHAM of New Gloucester
VOSE of Eastport
LOWE of Winterport
REEVES of Newport
McKEAN of Limestone
BERRY of Buxton
BROWN of Livermore Falls

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

Signed:

Senator:

TRAFTON of Androscoggin

Representatives:

DAVIES of Orono
NELSON of Portland

Comes from the House, the Minority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-304).

Which Reports were Read.

The PRESIDENT: The Chair recognizes the

Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: I would hope that you would not Accept the Majority Ought Not to Pass Report today so that we could Accept the Minority Ought to Pass Report.

For those of us who have served in past sessions, this bill is no surprise to us. We dealt with this in the 108th, and it went very far on it's way to passage, but eventually succumbed to the argument that the rate payers should not be forced to subsidize this new lifeline rate.

This year we have a new bill before us, one that is not funded by the other rate payers, but rather is funded by an appropriation from the General Fund.

This bill would allow those residential customers, who are 65 years or older, and who have an adjusted gross income of \$6,500 or less, to receive a special lifeline rate on the first 500 kilowatt hours.

I think it's no secret to any of us that it is extremely difficult to pay the raising electrical rates that we all face, but it is a particular burden on those of our society who are living on fixed incomes, which are very low.

I would urge you today to strike a blow for those people who are in that situation and to accept the Minority Ought to Pass Report, and give these elderly citizens a chance to have a fair rate that they can afford for their basic electrical needs. Thank you.

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

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

My recollection of the hearing on this bill was that the sponsor of the bill and a couple of others spoke in favor of it. There were no representatives of the elderly people, or the Senior Citizens there to speak, my recollection may be incorrect. If I am I'd be glad to have the Senator from Androscoggin remind me, but it was my impression that the Members of the Committee were really quite surprised that there was a very low turnout at the hearing on this particular bill.

The amendment reduces the appropriation from the General Fund from \$1,000,000 down to \$750,000. This is a House Amendment, the amendment was not even discussed in the committee, and I don't know whether any evidence was given in the other body about the number of people who are residential customers in the State of Maine, 65 years or older, who reside in households where the total annual adjusted gross income is \$6,500 or less.

I'm sure we all realize that whatever the utility, there is going to be some certain difficulty in establishing just who is eligible and who is not eligible for this. I think the great majority of the Committee voted against it because we felt there was not a great demand for this kind of service.

I'm sympathetic to what the Senator from Androscoggin has told us and I'm sure we're all sympathetic, but when you have a legislative hearing on something that is, assumedly, so vital to such a large segment of the population, and no people are there from that segment of the population to speak in favor of this bill, it makes one wonder, whether there is, in fact, a true need or a true demand for this. Thank you very much, Mr. President.

The Chair will order a Division.

Will all those Senators in favor of Accepting the Minority Ought 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: I request the vote 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 Sen-

ators 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 requested.

The pending question before the Senate is the Acceptance of the Minority Ought to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Minority Ought to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Clark, Conley, Cote, Danton, Hichens, Martin, Najarian, O'Leary, Pray, Silverman, Trafton, Usher

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

ABSENT — Farley, Minkowsky

A Roll Call was had.

13 Senators having voted in the affirmative, and 17 Senators in the negative, and 2 Senators being absent, the Motion to Accept the Ought to Pass Report does not prevail.

The Majority Ought Not to Pass Report of the Committee accepted, in non-concurrence.

Sent down for concurrence.

Senate

Ought to Pass

Senator Cote for the Committee on Legal Affairs on, Bill, "An Act to Clarify Inconsistencies in the Liquor Laws." (S. P. 436) (L. D. 1367)

Reported that the same Ought to Pass.

Senator Farley for the Committee on Legal Affairs on, Bill, "An Act Concerning Reserve Officer Standards for Professional Law Enforcement Personnel." (S. P. 405) (L. D. 1276)

Reported that the same Ought to Pass.

Senator Teague for the Committee on Taxation on, Bill, "An Act to Require Certain Out-of-state Sellers to Register Under the Maine Sales and Use Tax Law." (S. P. 448) (L. D. 1363)

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 Pierce for the Committee on Election Laws on, Bill, "An Act to Amend the Form of Election Ballots to Omit the Secretary of State's Name under Certain Conditions." (S. P. 272) (L. D. 842)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-133)

Senator Pierce for the Committee on Election Laws on, Bill, "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly." (Emergency) (S. P. 95) (L. D. 181)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-134)

Senator Sutton for the Committee on Labor on, Bill, "An Act to Partially Exempt Musicians from Coverage for Unemployment Insurance." (S. P. 352) (L. D. 1100)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-132)

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.

Senator Sutton for the Committee on State Government on, Bill, "An Act Relating to the Salary of the Director of the Maine State Housing Authority." (S. P. 365) (L. D. 1112)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (S-135)

Which Report was Read.

On Motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs." (S. P. 147) (L. D. 324)

Reported that the same Ought to Pass as amended by Committee Amendment "B" (S-136)

Signed:

Sensors:

LOVELL of York
SILVERMAN of Washington
TEAGUE of Somerset

Representatives:

NELSON of Portland
CHURCHILL of Orland
DELLERT of Gardiner
REEVES of Newport
HANSON of Kennebunkport
LOWE of Winterport
STUDLEY of Berwick
PAUL of Sanford

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

Signed:

Representatives:

THERIAULT of Rumford
HICKEY of Augusta

Which Reports were Read.

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

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.

On motion by Senator Pierce of Kennebec, Recessed until the sound of the bell.

Recess

After Recess

The Senate called to order by the President.

Second Readers

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

House

Bill, "An Act to Extend World War Assistance to Single Veterans." (H. P. 942) (L. D. 1176)

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

House — As Amended

Bill, "An Act to Permit the Inhabitants of Garland to Withdraw from the Maine State Retirement System." (H. P. 76) (L. D. 84)

RESOLVE, Authorizing an Appropriation of \$300,000 to Provide Administrative and Other Initial Operating Expenses Incidental to the Construction and Operation of the Maine Veterans Home." (Emergency) (H. P. 1014) (L. D. 1248)

Bill, "An Act to Establish a Solar Water Heater Demonstration Program for Maine Small Businesses." (H. P. 296) (L. D. 386)

Bill, "An Act to Authorize the State to Provide Technical Assistance and Legal Assis-

tance to Recipients of Wastewater Planning and Construction Grants." (H. P. 1186) (L. D. 1459)

Bill, "An Act Concerning Fire Permits for Registered Guides." (H. P. 431) (L. D. 548)

Bill, "An Act to Establish the Beer and Wine Franchising Act." (H. P. 608) (L. D. 776)

Bill, "An Act Relating to the State Apprenticeship Council." (H. P. 814) (L. D. 1046)

Bill, "An Act Concerning Licensing of Head and Hide Dealers by the Department of Inland Fisheries and Wildlife." (H. P. 275) (L. D. 357)

Bill, "An Act Relating to the Administration of School Dental Health Programs." (H. P. 733) (L. D. 920)

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

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)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President and Members of the Senate: I think this bill was debated at such length previously that I'm not going to run through all the arguments again. I just hope that perhaps some of you have had a chance to think over what the passage of this bill would do to the process, which I think all of us hold quite dearly, and I would now move the Indefinite Postponement of this bill and all accompanying papers.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that L. D. 208 be Indefinitely Postponed.

The Chair recognizes the Senator from York, Senator Danton.

On Motion by Senator Danton, of York, Tabled 1 Legislative Day, pending the Motion by Senator Pierce of Kennebec.

Enactors

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

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

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

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

On Motion by Senator Perkins of Hancock, Tabled for 1 Legislative Day, pending Enactment.

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

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

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

An Act to Require that Certain Information be Provided by Insulation Installers. (H. P. 698) (L. D. 909)

An Act to Clarify Motor Vehicle Registration and Operator Licensing Requirements of Non-residents. (H. P. 198) (L. D. 247)

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

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)

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

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

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)

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

An Act Relating to the Transfer of Prisoners to Federal Penal Institutions. (H. P. 1166) (L. D. 1441)

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

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 Provide for a Junior Archery License. (H. P. 493) (L. D. 619)

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

Sensor MINKOWSKY: Mr. President and Members of the Senate: In researching this bill a little further, I'd like to call your attention to House Amendment 248, on this particular bill. It says "no person under 12 years of age may hunt with bow and arrow". No person under 12 years of age may hunt with a bow and arrow. Any person 12 years of age and older and under 16 may hunt under this Chapter providing he holds a valid Junior Hunting License, and is accompanied at all times, while hunting by parent, or guardian, or adult approved by a parent or guardian.

We seem to be in the name of a fee for a license, talking it out in the younger children who might want to hunt with their fathers, or mothers. We're saying to this group, under 12 years of age, first, you cannot obtain a license, and secondly, we don't allow you in the woods with a bow and arrow even though you're accompanied by your parents.

I really think this is asinine, even to consider this particular thing. I understand, Mr. President and Members of the Senate, we have debated this in length previously, but I still don't concur this is the right approach to use.

On that particular basis, Mr. President, and members of the Senate, I would move for the Indefinite Postponement of this bill and all accompanying papers.

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

Sensor REDMOND: I request a Division.

The PRESIDENT: Is the Senate ready for the question? A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone L. D. 619, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Sensor USHER: I 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.

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 Penobscot, Senator Pray.

Sensor PRAY: Mr. President and Members of the Senate: I appreciate the remarks by the good Senator from Androscoggin, Senator Minkowsky, in reference to the Enactor that we have before us. But before he undertakes the argument that we are establishing a law that would not require these individuals to hunt. I wish he would look at the present statute and see that presently we're doing the same thing, but at a much larger fee, that basically this Legislation here will allow an individual under this age to hunt for a fee of \$1.50, it is my belief on a Junior Archery License. Presently these same individuals would have to pay \$6.50 in-

stead of \$1.50.

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

Senator USHER: Mr. President and Members of the Senate: First, I'd like to say there was no opposition to this in Committee, it was unanimous report. We discussed about establishing a fee for the youngsters of \$1.50 which for the firearms fee now they pay \$1.50. We thought it would be good relationship for the youngster, the future hunters, and sportsmen of the State, that when they buy this \$1.50 license for firearms, to hunt with their parents, they have to be accompanied by their parents, that they could also use it for archery.

So I think this is a good gesture on the part of the department for \$1.50 they can hunt both, because in both cases they have to be accompanied by their parents. Presently the youngsters who are accompanied by their parents have to pay \$7.50 and we thought this was quite a lot for a parent to be burdened with, if he has 2 or 3 sons, that would like to go with him.

(Off Record Remarks)

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

Senator REDMOND: I, too, will vote for the bill, because this is a good bill. We have before us bills to help out battered wives, I suppose the next bill will be an act to restore morale values for husbands of battered wives.

This here is a bill for the families in Maine that raise children, and instead of \$6.50 we're going to charge them only \$1.50 so the young archer can go out with his dad, and maybe shoot a deer, maybe get a deer, maybe just target practice.

So I'm going to vote for this bill. Thank you, Mr. President.

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

Senator USHER: Mr. President and Members of the Senate: You might call this a good companion bill, for \$1.50, father son or father and daughter.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Androscoggin, Senator Minkowsky, that L. D. 619, providing for a Junior Archery License 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—Chapman, Conley, Gill, Hichens, Minkowsky.

NAY—Ault, Carpenter, Clark, Collins, Cote, Danton, Emerson, Huber, Katz, Lovell, Martin, McBreairty, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher.

ABSENT—Devoe, Farley

A Roll Call was had.

5 Senators having voted in the affirmative and 25 Senators in the negative, and 2 Senators being absent, the Motion to Indefinitely Postpone 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.

(Off Record Remarks)

Emergency

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

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

Emergency

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

This being an emergency measure and having received the affirmative votes of 29 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.

Bond Issue

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)

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

Orders of the Day

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

SENATE REPORT — from the Committee on Labor — Bill, "An Act to Require that Holiday Pay be Considered Wages for the Purposes of Unemployment Compensation." (S. P. 309) (L. D. 902) Leave to Withdraw.

Tabled—April 30, 1979 by Senator Katz of Kennebec

Pending—Acceptance of Report.

On Motion by Senator Sutton of Oxford, Retabled for 2 Legislative Days.

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

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

Tabled—May 1, 1979 by Senator Katz of Kennebec

Pending—Passage to be Engrossed.

On Motion by Senator Emerson of Penobscot, Retabled for 1 Legislative Day.

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

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

Tabled—May 1, 1979 by Senator Katz of Kennebec

Pending—Enactment.

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

Senator CHAPMAN: I move that the Senate Reconsider its action whereby this Bill was Passed to be Engrossed under suspension of the rules.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman moves that the Senate reconsider its action whereby L. D. 766 was Passed to be Engrossed under suspension of the rules.

Is this the pleasure of the Senate?

It is a vote.

Senator CHAPMAN: Mr. President, I present Senate Amendment "A" to L. D. 766 and move its Adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman now offers Senate Amendment "A" to L. D. 766 and moves its Adoption. Senate Amendment "A" (S-130) Read.

The PRESIDENT: The Senator has the floor.

Senator CHAPMAN: Mr. President and Members of the Senate: I acknowledge that my efforts to Indefinitely Postpone this Bill have not been to successful. I am very much, however, in sympathy with the issue, and I wish to express my gratitude to my friend the Senator from Cumberland, Senator Clark, for allowing me this opportunity to offer this Amendment.

The purpose of this Amendment is to make the bill less restrictive and to allow more flexibility in implementing its provision.

It is my opinion that this amendment does implement the Bill in good faith, and I hope that the Senate will adopt it.

Senate Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Appropriate Funds for Emergency Shelters and Services for Victims of Domestic Violence." (S. P. 316) (L. D. 946)

Tabled—May 1, 1979 by Senator Katz of Kennebec

Pending—Passage to be Engrossed.

The Bill, Passed to be Engrossed, as amended.

Sent down for concurrence.

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

SENATE REPORT — from the Committee on Labor — 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) Leave to Withdraw.

Tabled—May 1, 1979 by Senator Conley of Cumberland

Pending—Acceptance of Report.

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

Senator O'LEARY: Mr. President and Members of the Senate: I move that we substitute the bill for the report and wish to speak to my motion.

The PRESIDENT: The Senator from Oxford, Senator O'Leary now moves that the Senate substitute the Bill for the Report on L. D. 949.

The Senator has the floor.

Senator O'LEARY: Mr. President and Members of the Senate: It perhaps seemed odd to most of you that a leave to withdraw report would be tabled on two successive days, but the reason for this is that we were waiting for an opinion from the Attorney General's office on this Bill. On your desks there is a copy of the opinion. The opinion was made necessary by the statement of one of the two opponents of the bill.

The first opponents chief concern and perhaps his principle objection was that it would violate the National Labor Relations Act. The second opponent said the bill was not needed because if a company and a union agreed, then they can negotiate for retirees.

What he did not say was that if either party objected there could be no negotiating for retirees. Remember I said either party, because of inflation and the fact that some companies do care about their retirees, it could be the company that initiates the proposal. The Company that I work for Boise Cascade each year puts on a big dinner and an evening of talented entertainment for our retirees.

Mr. President and Members of the Senate: I would submit to you here today this bill is needed. In 1957 I was a Chief Steward at the time, and a member of the Unions negotiating team.

When we presented to the company a list of items we wished to negotiate there was a proposal that we requested the company to negotiate retirement benefits for employees of the future, present and past. The company challenged our right to negotiate for retirees. Our International Representative was a Mr. Frank Grasso, born and raised on the same side of New York City as the Senator from Penobscot, Senator Trotzky. Mr. Grasso graduated from law school, but never took the examination for the bar, he completed studies for the priesthood, but never became a priest. He cited a ruling of a federal court in New Orleans that said Union did have the right to negotiate for retirees and suggested that the Company's attorney check it out. He did and he reported to the company that Mr. Grasso was right and

that we could in fact negotiate for retirees.

As a member of the negotiating team, I can honestly say to you here today, that in order to give retirees a raise in their pension from 50¢ per month per year of service to \$2.00 per month per year of service we had to take about 3¢ less per hour, off the pay raise for presently employed union members, and every member of the union committee all 15 of us knew exactly and understood what we were doing, and to a man we agreed that it was fair, and at the meeting of our Union members to ratify the contract we explained this to our members and they unanimously agreed to the contract.

I got out of Union Affairs in 1962 when I was elected to the House, in the 101st Legislature.

So I would assume by looking at the Attorney Generals decision that it was in 1971 that the decision of the court in New Orleans was appealed to the Supreme Court of the United States and subsequently overturned and that is why this Bill is presented for your consideration.

Mr. President and Members of the Senate: I submit to you here today, that this is not a labor bill, and it doesn't even have the endorsement of labor. As a matter of fact, I would not be surprised if they were opposed to it. It is a bill with a little bit of compassion, but a whole lot of heart in it. If the worker is willing to take a few cents an hour less, in order to pay for an increase in pension benefits for retirees, why not let him do it? This Bill will not and let me emphasize this, this bill will not cost the industry in this State not one red penny!

There is only so much in the pot to be divided up fringe benefits, hourly rates and such. What is wrong with a union negotiating team, saying lets give a little bit of that pot to our retirees?

I would ask that you read the Bill, L. D. 949 it is only 5 lines, one sentence. In the second line of the Bill you will see the work may not shall, because it is not my intention to dictate to the Unions nor the employers what they shall negotiate. This is strictly permissive, with this Bill a union, or an employer for that matter, may initiate recommendations for retirees at negotiations.

Mr. President and Members of the Senate: If you vote with me today to substitute the Bill for the report, I will offer an amendment tomorrow that will reflect my views in the title. The title would be An Act to Allow Unions or Employers to Negotiate on behalf of former Employees of a Company with which the Union is Negotiating.

I would ask you to think of a company's public image if they insisted, that they wanted to take some out of the pot for their retirees, sure make the union look like "Hades" if they did not want to go along with this. This Bill can be a company tool too, I intend to make this Bill a two way street.

A year ago, in this Senate we passed a Bill over the Governors veto, that removed the 65 year old mandatory retirement age for those in public employment. I will submit to you here today, that less than 20% of the employees in the Company that I work for ever reach the 65 years of retirement age. Out of a work force of 2300 employees a few short years ago, and now is approximately 1300 employees and with the modernization of equipment we have approximately 400 retirees. About 1/2 of them are disabled because of heart conditions, strokes, backs, respiratory problems, and other things, and a few from mental stress. I give you this information so that you can in your own mind look at the impact that passage of this Bill would have on members of the Union to which I belong.

Last June our local negotiated a contract that was a two year pact that would cost the company 6.8 million dollars. The fringe benefits in this contract called for present and future employees to receive \$13 in the first year for the pension and \$14 in the second year, and this is multiplied by the number of years of

service for your pension each month, and there was also a pay raise of 61¢ an hour straight across the board.

I submit to you here today that if we had the opportunity to give retirees even \$1 on their pensions which is the lowest is \$2 at the present time, we would have accepted the 58¢ per hour, instead of 61¢. That is what this Bill is all about, and out of that 6.8 million approximately 178 thousand a year would go to the retirees. It is just pennies when we talk about 61¢ versus 58¢. It comes right out of the pot.

There was a Bill presented in the last Congress of the United States and it has been re-introduced in this session, and I would take this opportunity to thank the Congresswomen from the Second Congressional District and a former colleague of ours here in the Maine Senate, Congresswoman Olympia Snowe for sending a copy of the Bill to a constituent of hers and mine, and with a very pleasing letter with it. However we know how it seems forever for the Congress of the United States to act, and this Bill would almost make it mandatory to negotiate for retirees. This Bill that is here before you today is strictly permissive. Whereas in the State of Maine we try to live up to our State Motto "Indirigo We Lead" I think it is appropriate that we act favorably on this Bill.

In closing, Mr. President, I can only think of the words of the President of Boise Cascade when he announced the acquisition of Oxford Paper Company, in a letter to we employees. I am going to try to quote from memory and I hope I'm as accurate as possible. He said "When we purchased Oxford Paper Company we bought more than bricks, mortar and mental machinery, we bought the best paper-making experience and ability available anywhere".

Mr. President, that experience, that ability, that knowledge was passed down to us who are presently employed by the same people that this Bill addresses. I would say that this is a shame upon me and the rest of my union members if we would not sacrifice a few pennies an hour to assist these retirees.

Finally Mr. President, I would like to remind the members of this body that what we do for our own employees. We passed a Bill here two years ago that would increase retirement benefits to State Employees anytime the consumer price index rose upwards to a maximum of 4%. It could be even more if the Legislature were to act on it. We take care of our own why not let the unions and the companies do the same.

Mr. President, this bill has a number of side effects that will help with our state treasury and I could go into that if I were asked, but what is more important to me, that if I find that this Bill becomes law, that the 100% labor record of mine will go right down the drain, if I find that unions and their memberships do not want to share a piece of the pot with the retirees.

I hope you share my views and my concerns and will vote with me today, let me amend this bill, and let someone else from the committee perhaps explain why the Committee would report out such as it was. Thank you.

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

Senator LOVELL: This bill that the good Senator from Oxford has just spoken on applies to just the company in his county, and it is a localized bill. The 13 members of the Committee probably made a mistake when they withdrew the bill. They ought to put it out "ought not to pass", and then we wouldn't have had this trouble and long debate.

My personal feeling is that the unions and the workers in his paper company are being well treated. They are getting good wages, he's even being paid while he's down here in the Senate. Of course, I'll admit he works weekends, Saturdays, Sundays, and maybe all night Sunday night. I don't think that we should substitute the report for the bill, and I would re-

quest a Roll Call on this motion.

The PRESIDENT: A Roll Call has been requested.

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

Senator O'LEARY: I would just like to set the record straight. I'm an hourly paid employee of Boise Cascade. When I work I get paid, when I'm here I'm not being paid. I will leave here Friday afternoon with everyone else and I will be working Friday night 11 to 7, Saturday 11 to 7, Sunday night 11 to 7. I've got to earn a living, I can't do it here. I make good wages and I appreciate that, I don't need to sacrifice too much to come down here because I can make a good weeks pay by going home and working 3 nights.

The company I work for is a good company. It treats it's employees well, but unless we have this piece of legislation my local union will not sit down and demand the company talk to their retirees. I know my local union, but I know the membership in my company that I work with, I've taken this bill to them and asked them, would you be willing to take 2¢ or 3¢ an hour less, when it comes to your pay raise if the retirees get an increase in their pension and they to a man agree it is good and they will do it.

It's not going to cost the company one cent more than they regularly put in the pot. It's just where it's going to be divided, who is going to get how much? I hope you will go along with it. Thank you.

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

Senator DANTON: Mr. President and Members of the Senate: I've sat in this Senate Chamber and I've heard the good Senator from Oxford make many speeches. Today I must say it's perhaps one of the best ones, he explained his bill very thoroughly. I understood it very thoroughly and I'm not a union man, I think it's a permissive thing, I think he's concerned about the retirees that he feels aren't getting a fair share of what's negotiable right now.

Now it's his bill, for some unknown reason, it's on our calendar with a Leave to Withdraw, he's asking to substitute the Bill for the Report, we have plenty of time to debate this bill. I'm going to look further into it, and if for some unknown reason, it isn't the way he explained it here today, which was very convincing to me that it's a good Bill, I will vote against it. But as he explained it today, it's a good Bill and I think we should support the Senator.

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

Senator SUTTON: Mr. President, is it in order for me to move that this be tabled for 1 Legislative Day.

The PRESIDENT: The Chair would answer in the affirmative.

Senator SUTTON: I so desire.

On motion by Senator Sutton of Oxford, Tabled for 1 Legislative Day, pending the motion by Senator O'Leary of Oxford.

The Chair laid before the Senate the Sixth tabled and specially assigned matter:

SENATE REPORTS — From the Committee on Fisheries and Wildlife — Bill, "An Act to Require Safe Hunting Certification to Obtain a Hunting License." (S. P. 212) (L. D. 585) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-125) Minority Report — Ought Not to Pass

Tabled—May 1, 1979 by Senator Conley of Cumberland.

Pending—Motion of Senator Usher of Cumberland to Accept Majority Report.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass, as amended, report of the Committee?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: I have some problems with

this bill. I think I asked questions last week concerning this bill, it pretty well put into focus the objections I have to it.

First, as I read the bill it seems to indicate that any person getting a hunting license after 1982, would have to have had a Safe Hunting Course, regardless of their residents of the State or non-residents. Now a lot of non-residents coming into the State might not have Safe Hunting Courses in their State, and we have a lot of non-residents coming in here to go hunting.

The bill also says, if you didn't hold a hunting license after 1977, and you hadn't had a Safe Hunting Course you couldn't get a Hunting License. It would seem to me that people that had been out of state for 5 years come back and maybe they've hunted for 40 years here, come back, try to get a hunting license and then they couldn't get a hunting license to go hunting. These are the concerns I have with it. Maybe some members of the Committee could prove these invalids, wrong.

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

Senator USHER: Mr. President, and Members of the Senate: In answer to my good friend, Senator Shute, from Waldo, first of all, we have discussed this in committee and this was one of the reasons why we chose 1982. Presently there are 26 States that have it, the only State other than Maine that doesn't have it in New England is Massachusetts, and they are working on it down there. Also they have it in the Province of Quebec, area and we would consider that, if you read the amendment, it says that it includes the Canadian Province.

The 1982 effective date also will enable everybody to go out and buy a license and they would be covered. Now many people don't know that the department keeps on record, if you purchased a license in the last 6 years. So everybody that has purchased a license from now all the way back to 6 years ago is on record so they would be covered and this would be part of their records.

As I was looking through the Youth Government Observer, which was conducted, this is part of the YM and YWCA that was conducted over the last weekend. I noticed their Governor on the first bill that she signed into law, was a bill requiring a one-time gun handling competence and knowledge test for people applying for Maine Hunting License. I was looking at some of the other things that they already passed, maybe we ought to all read this and we'll probably learn a lot from it too.

A Bill banning outdoor electrical advertising signs after closing hours of businesses. May be this had an effect on the Committee's decision on the outdoor advertisement because this was already passed by the Youth Governor last weekend. They had a lot of good suggestions in here, and I noticed that was the first bill passed. This is related to the younger people, not the older people.

You have got the new people coming up, from 1982 you got the people 15 years old that are going to buy an adult license. They'll just have to show that little certificate.

This course is being offered by the Jaycees, Rotary Clubs, Kiwanis Clubs throughout the State. It's also being offered in high schools throughout the State, we just gained another one according to the newsletter. They are offering high school credits, of $\frac{1}{4}$ or $\frac{1}{2}$ a point, whatever they choose, and presently there are over 50,000 students and older people throughout the State of Maine, who have completed this test. Last year Maine was offered certificate for the second time in a row for having the best Safety Course in NRA Hunting and the Maine Course if even better than the National Rifle Course. I think it's a very good course, it familiarizes all the young people that are going to go hunting, and they are going to be traveling over the large landowners property. It offers property respect of the land. You hear of

this every day, it's going to be a continuing problem if we don't start to correct it now. The people are abusing land.

If you own 30,000 acres it's hard to keep up with what's happening on your land, and there has been a litter problem, and other destruction, and this course offers property rights and the compass readings. We didn't design it to go at the older people because sometime the older people object to being told how to handle a rifle and really sometimes today there are some people that don't still know how to handle a rifle.

I know in one case there was an out-of-stater, and this actually happened, I think it was 4 years ago, I was a member of a group that was going hunting, we were in the Bridgton area, and we were there early in the morning, waiting for sunrise. When we finally got out of our car, there was a car next to us, we didn't know where the car was from, and the person got out of his car, and he had a brand new rifle, this was a Saturday morning, and he asked me how to load the rifle. This was a man in his forties, and this happens all the time.

This person purchased the rifle Friday night, and come to find out he was from Massachusetts. I told him how to load the rifle, showed him where the sights were, and he went in the woods, we got back in our car and we left, because we didn't even hunt that area, there was 4 of us in the car, and no way, we didn't want any part of it.

This course is a very good course, in committee there was nobody that opposed this bill. It was supported by all the Sportsman Clubs in the State of Maine, and the Department too. So I would urge that you vote Ought to Pass.

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

Senator SHUTE: Mr. President and Members of the Senate: I was interested in the remarks from the Senator from Cumberland, Senator Usher, but he still doesn't address the problems with this bill, that people coming in here from out-of-state that haven't had a Hunter Safety Course can't hunt in the State.

I don't know how much money you bring in, \$2,000,000, \$3,000,000 whatever it is in license fees. You have people in the service, they've been away for 6 years, 8 years, they've hunted there for 15 or 20 years. They come home out of the service, they can't hunt, because they haven't had a Hunter Safety Course.

Now I don't see any reason for passing a bill and say we're not going to do anything to you people out there this year, next year, next year, but look out in 1982, but probably 1982 the people will have forgotten about the bill, who voted on it and how it got in it and everything else. I don't think we ought to be over here, mandating these programs for people that aren't demanding that they be mandated on them.

Now they have Hunter Safety Courses in schools, quite a lot of high schools have them, and people can take them if they choose.

You take a person that's 30, 40 years old, if they are out of state for 6 or 8 years, they come back they can't hunt, now that's not a very good way, I don't think to have own State Laws enacted.

We also have in the high schools a Driver Education course and the children can take that Driver Education Course if they want to and they can get their license a year earlier, but anyone that doesn't take it, when they are 17 years old they can go and get a drivers license. Believe me there's more people killed on the highway than there are in the woods, a lot more. So, if we're talking about safety, let's not point the legislation where there is not much chance that you're going to be injured hunting or nearly as much chance injured hunting as you are driving an automobile.

Now the reason there wasn't too many people at the hearing on this bill, I should suspect, is this bill has been in here for 6 or 8 years I know

about, and it's always been killed, because it's a bad bill, that's why it's been killed. Mr. President, I move Indefinite Postponement of the bill and all accompanying papers.

The PRESIDENT: The Senator from Waldo, Senator Shute, now moves that L. D. 585 and it's accompanying papers be Indefinitely Postponed.

The Chair will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President and Members of the Senate: In regards to the out-of-staters, if he's been out-of-state for more than 6 years, this was also discussed and this is why I think I said it before, that in 1982, they would attach some information in these next 2 years to inform them that we are considering this. Most of them have right now and if a person so chooses, they would set up a course and it wouldn't take the normal 8 hours. The reason why it takes 8 hours now is it's carried out in a period of 2 or 3 weeks. They could set it up and a person could take that test, all in one day. We don't see any major problems and before this course is introduced within a Department, about 15 years ago I guess it was, there used to be a fatality rate was 12, 13 each year. Now it's down to one, and I think this really helped all the sportsmen in this State.

The PRESIDENT: The Chair will order a Division.

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

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President. I 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.

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 Oxford, Senator Sutton.

Senator SUTTON: Mr. President, may I ask a question to the Chair, at this point.

The PRESIDENT: The Senator may pose the question.

Senator SUTTON: I was just wondering, do the Fish and Game Associations of the State basically support this bill?

The PRESIDENT: The Senator from Oxford, Senator Sutton, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: In response to the good Senator, Yes.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Waldo, Senator Shute, that L. D. 585 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Carpenter, Chapman, Collins, Cote, Danton, Devoe, Emerson, Farley, Gill, Huber, Katz, Lovell, Martin, McBairty, Minowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Teague, Trotzky.

NAY—Clark, Conley, Hichens, Najarian, Sutton, Trafton, Usher.

A Roll Call was had.

25 Senators having voted in the affirmative, and 7 Senators in the negative, the motion to Indefinitely Postpone does prevail.

The Chair laid before the Senate the Seventh

Tabled and specially assigned matter:

Bill, "An Act Authorizing a Legislative Study on Family Impact." (S. P. 386) (L. D. 1198)

Tabled—May 1, 1979 by Senator Katz of Kennebec

Pending—Enactment.

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

The Chair would direct the Senate's attention to Bill, "An Act Relating to the Salary of the Director of the Maine State Housing Authority" (S. P. 365) (L. D. 1112), tabled earlier in today's session by Senator Pierce of Kennebec, pending Acceptance of the Committee Report.

The Chair recognizes that Senator.

Senator PIERCE: Mr. President and Members of the Senate: When I saw this Bill I was a little confused why one particular person, in this case, the Director of the Maine State Housing Authority, would come to the Legislature and attempt to place himself on a salary schedule, which would give her a \$3,000 a year raise. As I understand the present law, the Governor as the opportunity to pay the Director, as he does many of the other Directors, at a salary range that he sees fit. Evidently she sees herself more on the par with the major department heads, such as Transportation and Education and so forth, and I really can't see any need to change the present law. Therefore, I would move the Indefinite Postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that L. D. 1112 be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President and Members of the Senate: This is a unanimous Committee Report out of State Government. The Director did come before the Committee and as the Bill said, requested that her salary range be specified as in a range 91, which is equal to the Major Commissioners, Transportation, Conservation, Human Services, etc. The Committee came to an agreement and lowered her request range to range 89 which puts her on the same level as our State Budget Officer, the Director of State Planning Office, etc. and the lowest step in Range 89 is \$24,148. I understood that she was making \$24,000 so this did not indicate an increase in her salary, and there was a compromise in the Committee.

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

Senator NAJARIAN: Mr. President and Members of the Senate: I would just like to add to the remarks of the Senator from Kennebec, Senator Ault. The Commissioner, the present Director of Housing Authority's salary has not been increased since 1975. Apparently there's no limit now on the salary of the Director, it's up to the discretion of the Governor. It's also a position that's unique in State Government in this respect, because it isn't in a salary scale or plan at all, and the Governor could name that salary as high as he wanted to also.

It's also a position that's subject to be overlooked or neglected because the Director of Housing Authority to remove that position out of the political arena as much as possible, is not coterminous with the Governor, so when the Governor begins to appoint all the major commissioners this position tends to get overlooked.

Another problem with the salary being as low as it is, is that it is very difficult to hire a competent Finance Officer, and to get some experience as well. There are a lot of young people but the Director of the Housing Authority feels like the state would be better served if she could hire a Finance Officer who had had some years of experience under his belt, or her belt.

This was not intended to assist the present Director, she felt so strongly about this, that

she asked to be grand-fathered, she just thought the present situation was bad policy. The State Government Committee apparently did not feel like she should be excluded since that would be up to the Governor, but I do think it's important to establish a salary range for that position.

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

Senator MARTIN: Mr. President and Ladies and Gentlemen of the Senate: As our good Chairman, Senator Ault, mentioned this was a unanimous Committee Report. I'd be the first one to admit that I opposed the bill when it first came in before our Committee based on a Range Scale of 91 because I felt the salary was too high. Therefore, we unanimously, without dissent, agreed on a pay Range Scale of 89. I would therefore, oppose the pending motion and I would hope that you would keep this bill alive at this time.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

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

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

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: 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 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 L. D. 1112 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—Chapman, Collins, Cote, Devoe, Emerson, Gill, Hichens, Huber, Lovell, McBreairty, Minkowsky, Perkins, Pierce, Pray, Redmond, Shute, Teague, Trotzky.

NAY—Ault, Clark, Conley, Danton, Farley, Katz, Martin, Najarian, O'Leary, Sutton, Traf-ton, Usher.

ABSENT—Carpenter, Silverman.

A Roll Call was has.

18 Senators having voted in the affirmative and 12 Senators in the negative, and 2 Senators being absent, the Motion to Indefinitely postpone does prevail.

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

Senator PIERCE: Mr. President, I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate Reconsider it's action whereby it Indefinitely postponed L. D. 1112.

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.

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