

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 4, 1979

Senate called to Order by the President.

Prayer by the Honorable Barbara M. Trafton of Auburn.

Senator TRAFTON: As we part our separate ways for this weekend, I would like you to take with you an Irish Blessing:

May the road rise up before you,
May the wind be always at your back,
May the sun shine warmly upon your meadows,
May the rain fall softly upon your fields,
And until we meet again,
May God hold you in the small of His hand.
Amen.

Reading of the Journal of yesterday.

**Papers from the House
Joint Order**

An Expression of Legislative Sentiment recognizing that:

The Turner Ridge Riders Snowmobile Club of Turner, Maine, have received the "Number 1" plaque in the Maine State Snowmobilers Association membership contest. . . (H. P. 1363)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Irving Fogg, of Madison, who served in the House of Representatives in the 95th, 96th and 100th Legislatures and as House Minority Leader during the 96th and 100th Legislatures. . . (H. P. 1364)

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

**Communication
COMMITTEE ON EDUCATION**

May 3, 1979

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Rene P. Simard to the position of member of the Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:

Senators 3
Representatives 10

NAYS:

Senators 0
Representatives 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Rene P. Simard to the position of member of the Board of Education be confirmed.

Sincerely,
HOWARD M. TROTZKY
Senate Chairman

LAURENCE E. CONNOLLY, JR.
House Chairman

Which was Read and Ordered Placed on file.

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

Senator FARLEY: Mr. President, and Members of the Senate: I would hope that today we would confirm the nomination of Rene Simard. I've known Mr. Simard for about 15 years, he's a young man of excellent character, and is vitally interested in the educational future of our young men and women.

He would indeed be an asset to the State of Maine, as a member of the State Board of Education. While I'm on my feet, Mr. President and Members of the Senate, I'd like to thank, on behalf of Senator Danton and myself, a former member of this board who Mr. Simard is replacing, a lady who served for 5 years on that board, and did an excellent job, former member Toby Nason of Saco.

We shall all miss her, I'm sure the State Board of Education who appreciated her work for the last 5 years, will also miss her. With that I would move the acceptance of the nomination today. Thank you very much.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Rene P. Simard be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEA—None.

NAY—Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Sewall.

ABSENT—Pierce, Usher.

No Senator having voted in the affirmative and 31 Senators in the negative with 2 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Rene P. Simard is confirmed.

Orders

Expressions of Legislative Sentiment recognizing that:

Norman and Margaret Deschaine of Millinocket are celebrating this, their 40th anniversary of their marriage. . . (S. P. 532) is presented by Senator Pray of Penobscot.

Paul Forrester, Jr., who has long been associated with the forest products industry, has recently celebrated his 75th birthday. . . (S. P. 533) is presented by Senator Redmond of Somerset, cosponsored by Senator Clark of Cumberland.

JoAnna Green of Harpswell, defeated 5 competitors from throughout New England to win the Girls 12 and under tennis title at the Pilgrim Championships at Kingston, Massachusetts. . . (H. P. 534) is presented by Senator Clark of Cumberland, cosponsored by Representative Garsoe of Cumberland.

Tara Geelhoed, a senior at Freeport High School, has been selected from among 6 finalists to receive a \$1,000 award from The Thomas Alva Edison Foundation. . . (S. P. 535) is presented by Senator Clark of Cumberland, cosponsored by Representative Fillmore of Freeport.

Which were Read and Passed.
Sent down for concurrence.

**Committee Reports
House**

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

Bill, "An Act to Transfer the Responsibility for Administering and Enforcing the Human Rights Act to the Attorney General." (H. P. 758) (L. D. 974)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Funds for Computerization of Records in the Office of the Secretary of State." (H. P. 1205) (L. D. 1464)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Concerning Reimbursement of Law Enforcement Officers for Off-duty Time Required for Criminal Prosecution." (H. P. 952) (L. D. 1206)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Clarify Public Recreation Rights Along the Coast of Maine." (H. P. 975) (L. D. 1225)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act Relating to the Testing and Product Approval Authority of the Energy Testing Laboratory of Maine and Creating a Board of Directors for that Laboratory." (H. P. 1169) (L. D. 1475)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act Relating to Qualified Bidders for the Bureau of Purchases." (H. P. 1099) (L. D. 1349)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Facilitate Recruitment of Qualified Employees for State Government Positions that are Hard to Fill." (H. P. 1246) (L. D. 1503)

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 Appropriations and Financial Affairs on, Bill, "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Administrators at the Vocational-Technical Institutes and the School of Practical Nursing." (Emergency) (H. P. 1302) (L. D. 1561)

Reported that the same Ought to Pass.

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1979. (Emergency) (H. P. 1354) (L. D. 1593)

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted in concurrence, and the Bill and Resolve Read Once, and Tomorrow Assigned for Second

Reading.

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Require Insurance Policy Language Simplification." (H. P. 487) (L. D. 636)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 312)

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

The Committee on Health and Institutional Services on, Bill, "An Act to Provide Funds to Subsidize Adoption of Handicapped Children." (H. P. 278) (L. D. 387)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 313)

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

The Committee on Local and County Government on, Bill, "An Act to Clarify Home Rule Authority." (H. P. 1097) (L. D. 1376)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 315)

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

The Committee on State Government on, Bill, "An Act Relating to the Maine Criminal Justice Academy." (H. P. 1135) (L. D. 1389)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 314)

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 Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Funds for the Nursing Home Ombudsman Program." (H. P. 1074) (L. D. 1328)

Reported that the same Ought Not to Pass.

Signed:

Senator:

HUBER of Cumberland

Representatives:

MORTON of Farmington

SMITH of Mars Hill

BOUDREAU of Waterville

JALBERT of Lewiston

HIGGINS of Scarborough

KELLEHER of Bangor

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. 301)

Signed:

Sensors:

NAJARIAN of Cumberland

PERKINS of Hancock

Representatives:

CHONKO of Topsham

DIAMOND of Windham

PEARSON of Old Town

CARTER of Winslow

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

Which Reports were Read.

On Motion by Senator Perkins of Hancock, Tabled for 2 Legislative Days, pending the Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Increase Fees for Atlantic Salmon Permits." (H. P. 492) (L. D. 633)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 311)

Signed:

Sensors:

REDMOND of Somerset

USHER of Cumberland

Representatives:

PAUL of Sanford

MASTERMAN of Milo

VOSE of Eastport

JACQUES of Waterville

DOW of West Gardiner

TOZIER of Unity

MacEACHERN of Lincoln

PETERSON of Caribou

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

Signed:

Sensor:

PIERCE of Kennebec

Representatives:

CHURCHILL of Orland

GILLIS of Calais

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

Which Reports were Read.

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

Sensor REDMOND: I move we Accept the Majority Ought to Pass Report.

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

On Motion by Senator Katz of Kennebec, tabled until later in today's session, pending the Motion of the Senator from Somerset, Senator Redmond.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to General Assistance." (H. P. 859) (L. D. 1070)

Reported that the same Ought to Pass in New Draft under new title, Bill, "An Act Relating to State Participation in General Assistance Programs." (H. P. 1356) (L. D. 1592)

Signed:

Sensors:

GILL of Cumberland

CARPENTER of Aroostook

HICHENS of York

Representatives:

BRENERMAN of Portland

PRESCOTT of Hampden

BRODEUR of Auburn

NORRIS of Brewer

PAYNE of Portland

MATTHEWS of Caribou

CLOUTIER of South Portland

MacBRIDE of Presque Isle

VINCENT of Portland

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

Signed:

Representative:

CURTIS of Milbridge.

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

Which Reports were Read.

The PRESIDENT: Is it the pleasure of the Senate to Accept the Majority Ought to Pass Report of the Committee.

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

Sensor O'LEARY: Mr. President, I understand this bill, as it stands before us now, is not very good for our smaller communities, and I would move the Minority Ought Not to Pass.

On Motion by Senator Gill of Cumberland, Tabled for 2 Legislative Days, pending the Motion by the Senator from Oxford, Senator O'Leary.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Modify the Dispute Resolution Process under the Labor Statutes." (H. P. 824) (L. D. 1035)

Reported that the same Ought to Pass.

Signed:

Sensors:

SUTTON of Oxford

LOVELL of York

Representatives:

DEXTER of Kingfield

MARTIN of Brunswick

FILLMORE of Freeport

CUNNINGHAM of New Gloucester

LEWIS of Auburn

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

Signed:

Sensor:

PRAY of Penobscot

Representatives:

TUTTLE of Sanford

BAKER of Portland

BEAULIEU of Portland

McHENRY of Madawaska

WYMAN of Pittsfield

Comes from the House, Bill and Papers Re-committed to the Committee on Labor.

Which Reports were Read.

On Motion by Senator Sutton of Oxford, Tabled for 2 Legislative Days, pending the Acceptance of Either Committee Report.

Senate

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

Bill, "An Act Relating to Cost Reimbursement of Boarding Care Facilities under the Human Services' Laws." (S. P. 339) (L. D. 1000)

RESOLVE, to Reimburse the Town of Eastbrook in the Amount of \$25,644.35 for Losses Caused by Excessive State Valuation. (S. P. 35) (L. D. 23)

Bill, "An Act to Provide for a Decision by Municipal Electors on Municipal Spending Limits." (S. P. 483) (L. D. 1481)

Bill, "An Act to Increase the Stipend for the County Law Library at Rumford." (S. P. 126) (L. D. 252)

Bill, "An Act to Allow Item by Item Referendums on Proposed Town Charter Amendments Presented by a Municipal Charter Review Commission." (S. P. 221) (L. D. 605)

Leave to Withdraw

Sensor Chapman for the Committee on Business Legislation on, Bill, "An Act to Clarify Certain Definitions under the Real Estate Law." (S. P. 447) (L. D. 1368)

Reported that the same be granted Leave to Withdraw.

Sensor McBreairey for the Committee on Energy and Natural Resources on, Bill, "An Act to Encourage Location of Certain Coastal Heavy Industry in the Portland, South Portland and Upper Penobscot Bay Area." (S. P. 471) (L. D. 1419)

Reported that the same be granted Leave to Withdraw.

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

Ought to Pass

Sensor Carpenter for the Committee on Health and Institutional Services on, Bill, "An Act to Amend the Law with Regard to the Diagnostic Laboratory of the Department of Human Services." (S. P. 406) (L. D. 1245)

Reported that the same Ought to Pass.
Which Reports were Read and Accepted and the Bill Read Once, and Tomorrow Assigned for Second Reading

Ought to Pass — As Amended

Senator Devoe for the Committee on Judiciary on, Bill, "An Act to Amend the Uniform Criminal Extradition Act and the Uniform Interstate Compact on Juveniles." (S. P. 373) (L. D. 1153)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 142)

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

Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act Concerning Contracts of Town Managers." (S. P. 456) (L. D. 1369)

Reported that the same Ought Not to Pass.
Signed:

Sensors:

EMERSON of Penobscot
REDMOND of Somerset
COTE of Androscoggin

Representatives:

NELSON of Roque Bluffs
LaPLANTE of Sabattus
BORDEAUX of Mt. Desert
WENTWORTH of Wells
DRINKWATER of Belfast
DUTREMBLE of Biddeford
STOVER of West Bath

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

Representatives:

McMAHON of Kennebunk
BROWN of Livermore Falls
McHENRY of Madawaska

Which Reports were Read.

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

Sent down for concurrence.

Second Readers

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

House — As Amended

Bill, "An Act to Provide for Voter Approval of School Construction Projects." (H. P. 863) (L. D. 1062)

Bill, "An Act to Amend the Alternative Method of Support Enforcement." (H. P. 701) (L. D. 861)

Bill, "An Act Relating to the Term of Membership on the Inland Fisheries and Wildlife Advisory Council." (H. P. 803) (L. D. 1006)

Bill, "An Act Authorizing the State to Contract with Tufts University School of Veterinary Medicine." (H. P. 411) (L. D. 528)

Bill, "An Act to Improve Survivor Benefits under the Maine State Retirement System." (H. P. 260) (L. D. 341)

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

Enactors

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

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

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

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

An Act to Require Construction Permits Prior to Building Hotels and Motels with 2 or

More Stories. (H. P. 488) (L. D. 617)

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

An Act Relating to Registration of Trailers and Semitrailers under the Motor Vehicle Laws. (H. P. 1173) (L. D. 1439)

An Act to Decrease the Maine Guarantee Authority Bonding Limit for Industrial Building and Recreational Project Mortgage Insurance to \$40,000,000; and to Conform Maine Guarantee Authority Statutes to Recent Constitutional Changes. (S. P. 520) (L. D. 1583)

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

Emergency

An Act to Enable the Ocean Park Association to Qualify for Tax Exempt Statutes under the United States Internal Revenue Code. (S. P. 291) (L. D. 853)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Senator HICHENS: Mr. President regarding L. D. 1369, I now move that the Senate Reconsider its action where the Majority Ought Not to Pass Report was Accepted.

The PRESIDENT: The Senator from York Senator Hichens, in reference to, Bill, "An Act Concerning Contracts of Town Managers." (S. P. 456) (L. D. 1369) now moves that the Senate reconsider it's action whereby it accepted the Majority Ought Not to Pass Report of the Committee.

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

Senator EMERSON: Mr. President, I move we table this matter for 2 days.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, now moves that L. D. 1369 be tabled for 2 Legislative Days, pending the Motion by the Senator from York, Senator Hichens, to Reconsider.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Table L. D. 1369 for 2 Legislative Days, please rise in their places to be counted.

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

19 Senators having voted in the affirmative, and 9 Senators in the negative, the Motion to Table for 2 Legislative Days pending the Motion by Senator Hichens of York, does prevail.

Orders of the Day Unfinished Business

Friday, May 4, 1979

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

Enactors

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

An Act to Require that all Public Employees be Paid at Least the Federal Minimum Wage. (H. P. 435) (L. D. 552)

An Act Relating to the Management of the Department of Attorney General. (H. P. 1100) (L. D. 1352)

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

An Act Relating to Discharges and Emissions From Nuclear Generating Facilities. (H. P. 268) (L. D. 349)

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

An Act Concerning the Leasing and Management of Public Lands. (H. P. 981) (L. D. 1217)

An Act Concerning Public Agencies Contracting for Architectural Services. (H. P. 1331) (L. D. 1578)

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 Prohibit Taking Antlerless Deer in Certain Municipalities and Townships. (S. P. 310) (L. D. 901)

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

Senator O'LEARY: Mr. President, I opposed this piece of legislation initially, and I'm going to ask that the Senate vote against the Enactment of this piece of legislation here today.

I was originally asked to sponsor this piece of legislation, and after talking with a number of people in my area, guides, sportsmen and such, they thought it was a waste, it would be no conservation of our deer herd. There would be a certain loss of revenue to the Fish and Game Department, but what bothers them most of all is the number of does that will be left in the woods just to waste. This is just what would happen.

I don't think in my own mind, I could honestly go hunting with a fear that the deer that I do shoot is a doe, I do not want to break the law.

There is currently before the Fish and Game Committee a bill that they are taking into consideration now, that raise Fish and Game fees by as much as 40%. Mr. President, if you look at Filing S-107, the amendment to this bill points that there would be a net loss of \$216,000 to the Department. Just to show you what it means, in my right hand here I hold a combination Fish and Hunting License. I've had one each and every year of my life.

Mr. President, I purchased the other day a fishing license alone. There is a net loss by just one person, but you're going to see after this bill is enacted all kinds of publicity and the revenue shortage that is pointed out in this amendment will occur. So I hope, Mr. President and Members of the Senate, that you will vote against this bill.

(Off Record Remarks)

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

Senator TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate: I also hope that you will vote against Enactment of this measure today.

If you have looked recently at the L.D., it requires that a person may not hunt any wild deer with antlers less than 3 inches long. Now those of you who have been in the woods, and are aware of the kind of cover conditions we have in the woods, I think you can quickly see it would be quite difficult by your visual means alone to measure whether some deer antlers are 3 inches or 3½ inches, or 2½ inches, and I see this as causing a great deal of confusion and resulting, as the good Senator from Oxford pointed out, in a great deal of undesirable waste of does that have been killed but cannot be tagged.

I would also call your attention again to the Commissioner's newsletter of March, 1979, with the help of the biologist in the Department of Inland Fisheries and Wildlife, they have done an extensive report on the deer situation in Maine. I would call your attention to the third page of this, when they discuss very specifically, "should an antlered buck only regula-

tion be applied to the problem area?" They say that this is the least desirable option from the standpoint of the waste of deer resulting from illegal kills. The take home harvest would be about 60% less than under current regulations. Maine cover conditions would probably assure a high incidence of inadvertent illegal kills. Carcasses left in the woods would be a bonus food supply for scavengers including the coyote. Animals spared in the harvest might contribute to population increases. The Buck Law does not necessarily maintain population under adverse climatic conditions. Hunters wanting any deer hunting could produce an undesirable increase in other units.

I think it's a bad bill and I move its Indefinite Postponement with all its accompanying papers.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, I urge the Enactment of this bill by the Senate.

This bill has very carefully been prepared. It's been put together by the work of experts, who live in Zone 3. Sportsman's Alliance of Maine supports this bill. The various Fish and Game Clubs. The records, publications of Fish and Game demonstrate very clearly that Zone 3 has lost approximately 50% of the deer kill in the recent 4 or 5 years. This is the step that is necessary and welcomed by a great majority of the sportsmen who reside in this Zone, which encounters a good part of my District. Therefore, if you don't mind, I would like to, if you will bear with me continue. The Sportsmen's Alliance of Maine sent a letter besides a testimony and here's how it goes:

"SAM supports this LD and the efforts being made by those people in Management Area 3, who have shown so much interest and have taken so much of their own time to make some attempt to rectify the sad situation.

There are those who say that hundreds of antlerless deer will be killed and left in the woods, if this is allowed to become law. There are those who point to the extremely high percentage of doe deer in jurisdictions where there are buck only laws, and they will tell you of the terrible conditions of these does.

Each of these positions argues against the other. If so many does are killed, then the number must not be very high or there would be large herds of does to get into such poor shape. It seems to us that each of these arguments is not material to this L. D. Here the law would automatically come off the books on January 1, 1982, being effective for only 3 Deer Hunting Seasons. Some argue that if this works, in Management Unit 3, it will spread State-wide and they don't want that.

To this argument we can only say that it apparently will not, if the Fisheries and Wildlife Department has its way. In summary, if so many people who would be affected and have worked so hard to develop their course of action towards a possible solution want this legislation, why not let them have it?"

So this is how Sportsmen's Alliance of Maine feel about it, and we do have the support of most all of the Fish and Game Clubs in the area. I hope that the Senate will Enact this bill.

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

Senator PRAY: Mr. President and Members of the Senate: I want to commend the Senator from Somerset, Senator Redmond and the Senator from Oxford, Senator O'Leary. As I look at the Bill, I think that basically we're talking about a lot of their District. But I do hear the Senator from Somerset, Senator Redmond, keep referring to Management Zone #3, and for those of you who are aware of it, we have, I believe, it's 8 Management Zones in the State, divided by geographical, topographical areas of the State into Management units.

Part of my Senatorial District, though, in-

cludes Management Zone 3, which is in the Southern part of the State where the beginning of the hunting season, where we have the Northern Zone starts a week earlier than the Southern Zone.

This bill, as I look over the area that's being included that, we're not talking about Management areas or Management Zone 3 in particular, because, as I say, part of that is in Piscataquis County, and there's nothing there listed that Piscataquis County is included.

I, myself, have been a guide for 16 years and the only thing I really guide for is hunting season. It's my relaxation and a little bit of income at the same time, to have a chance to get out, and I have an opportunity to talk to a lot of individuals who have hunted in other States, such as Pennsylvania, New Hampshire where they have had and do have a Buck only season.

They come to Maine for one reason, and that is because since the Buck Season only was Passed, the deer herd, or the size of the deer in those States dwindled. I'm not talking about numbers as much as the size of the deer itself.

Maine is known for having large bucks and large does, it's not uncommon for an individual to be able to capture by shooting a buck that weighs over 200 lbs. We have a club in the State that used to be run by the Department, it's now run by Sportsmen's Alliance of Maine, for those who shoot a buck of that size.

Only to draw attention to those States that have had the doe season or the buck season only, I do become concerned as to what steps we're taking. I want to commend those individuals in the area that we're talking about for their efforts in trying to address that situation. I think it's a situation we do have to address, but I do think that it would be inappropriate, at this time, for us to Enact this legislation.

I, earlier had offered a compromise, an amendment which the Senator from Somerset, Senator Redmond, opposed which would have given the same authority to the Commissioner to allow him to evaluate it and not for the Legislature to mandate it. We have given the Commissioner a great deal of discretion into the opportunity of evaluating the deer population, the deer herd, the health of that herd, and to make those decisions, and I would think that perhaps would have been more the route to go. Thus, I am going to join the Senator from Androscoggin, and the Senator from Oxford, in hoping that we defeat this legislation.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President and Members of the Senate: This issue has been discussed by many sportsmen throughout the State, particularly every fall, is one of the biggest topics of discussion everywhere. I feel that this group from Management 3 who have asked the good Senator to sponsor the bill for this Antlerless Deer Season deserve a lot of credit.

I know the past 5 years, we have been discussing possibly doing this state-wide. I feel this is a step in the right direction, it's a very conservative move, and I would oppose the pending motion, I believe it's Ought Not to Pass.

I have some figures here that might help you to decide. This is in the Game Management 3 for the last 5 years. The harvest for 1974 was 2,741, 1975 it was 2,215, 1976 it was 2,188, in 1977 it was 1,995, and in 1978 was 1,303. That's a 52% decrease, the only one of the 8 management areas in the whole State, and I believe that we can try this, it will take 3 years to really show a result, and I think we really need it.

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

Senator CLARK: Mr. President and Members of the Senate. In all the years I've served in the Maine Legislature, I've never spoken on

Fish and Game bills more frequently than before this body and this Session. As a matter of fact, I have been charged with a new nickname by both of my seatmates, it's called "Killer Clark".

It would seem to me that with today's fancy supersonic hunting equipment, with fluorescent orange, and all related paraphernalia, that the true sportsman in our State of Maine will be able to detect, with his supersonic telescopic scopes, whether a deer has the prescribed head adornment or not.

The sportsmen in my area from Senatorial District 11 spend much of their hunting days in Game Management Unit or Zone 3, and they have approached me to support this measure, in a reasonable fashion, based particularly on the diminishing herd, and also that it is a proposed pilot project. Because of that, I'm voting this afternoon against the Motion to Indefinitely Postpone this Bill and all accompanying papers. As a personal aside, I think perhaps that the poor little does running around Game Management Zone 3 could do with a few less bucks.

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

Senator TROTZKY: Mr. President. Since we have four female Senators in this body, I have been monitoring affirmative action bills very carefully and this has got to be the ultimate in affirmative action bills. So I hope that the Bucks will stick together.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion by the Senator from Androscoggin, Senator Trafton, that this Bill be Indefinitely Postponed, please rise in their places to be counted.

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

10 Senators having voted in the affirmative and 17 Senators in the negative, 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.

RESOLVE, Authorizing Barry A. Brann of Wilton to Bring Civil Action Against the State of Maine. (H. P. 547) (L. D. 678) (C "A" H-251)

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

Emergency

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

Comes from the House, Falls of Enactment.

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

Senator PIERCE: Mr. President and Members of the Senate: I'm not going to make any motion on this bill this morning, but I think I do want to bring to the attention of the bill to other members. It says "An Act to Provide for Consistent Hours of Operation by State Retail and Agency Liquor Stores." If you look at the Senate Amendment and what it does to the bill, I think a more proper title would be "An Act to Provide for Inconsistent Hours of Operation by State Retail and Agency Liquor Stores", because what it does, it allows the Agency Stores to open at 6 AM, while the State Liquor Stores remain opening at 9 AM. While it may be no big thing, I just did want to make that clarification.

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

Senator DANTON: Mr. President and Members of the Senate: Just to explain this, the Senator did bring out a good point, but the word consistent that's there is there for a good reason, the reason being that at 6 AM they presently can sell beer and wine. Now very few

Agency Stores open up at 6 AM but for those that do it's sort of foolish on the part of liquor enforcement, and this is a bill that liquor enforcement wanted sponsored, to have these people be able to sell all the beer and all the wine that anyone would want to buy at 6 o'clock in the morning, but if somebody wanted a bottle of Scotch, they couldn't buy it, so they found that it was just inconsistent for them to enforce the law.

Now I have no strong feelings about this bill, liquor enforcement wanted it in. If you people feel that you want the bill passed, fine, if you don't, I'll accept its fate either way.

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

Senator FARLEY: Mr. President, under Suspension of the Rules, I move that we reconsider our action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from York, Senator Farley, now moves that the Senate Suspend its Rules.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, may I ask the purpose of the reconsideration?

The PRESIDENT: The Chair would advise the Senator that the motion to suspend the rules is not debatable.

Is it the pleasure of the Senate to Suspend its Rules?

It is a vote.

Is it the pleasure of the Senate to Reconsider Passage to be Engrossed?

It is a vote.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: I now present Senate Amendment "A", under Filing S-141 and move its adoption.

The PRESIDENT: The Senator from York, Senator Farley, now offers Senate Amendment "A" to L. D. 854, and moves its adoption.

Senate Amendment "A" (S-141) Read.

Senate Amendment "A" Adopted.

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

Sent down for concurrence.

Emergency

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

On Motion by Senator Emerson of Penobscot, placed on the Special Highway Appropriations Table, pending Passage.

The Chair laid before the Senate the First Tabled and specially assigned matter, for May 3.

Bill, "An Act Regulating Business Practices Between Motion Picture Distributors and Exhibitors." (H. P. 365) (L. D. 473)

Tabled—May, 1, 1979 by Senator Collins of Knox.

Pending—Passage to be Engrossed.

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

Senator CONLEY: Mr. President, I offer Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Conley now offers Senate Amendment "A" to L. D. 473 and moves its Adoption.

Senate Amendment "A" (S-144) Read.

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

Senator CONLEY: Mr. President, and Members of the Senate: I'm presenting this amendment today to make sure that theater owners in Maine are allowed the flexibility to conduct their business in anyway they want.

This bill, which we are about to pass prohibits its distributors of movies from requiring that

theater owners guarantee a price for the movie before the theater owners have seen the final version. All this amendment will do is to allow the theater owner only if he wants to do so, to agree to guarantee a certain price for the movie, before it is finished. There are a number of reasons why this amendment is important.

First of all, apparently we are going to pass this bill before we receive the Attorney General's opinion, which has been requested, but the opinion states that this law is unenforceable against out of state corporations, and this amendment will allow Maine corporations to waive the prohibition against blind bidding if they want to compete with the Boston Corporations.

Secondly, this amendment would allow a theater owner who thinks he can get a better deal from the distributor by agreeing to the price of the movie before it's completed, to take that risk just like businesses do everyday. Therefore, Mr. President, I move the adoption of this amendment.

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, and Members of the Senate: I think perhaps the one other thing that the Senator didn't mention that this amendment would do is that it also guts the bill rather severely. Therefore, I would move the indefinite postponement of this Amendment.

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

Senator COLLINS: Mr. President, it's with some trepidation that I tangle with anything that comes from the Business Regulation Committee because I know that Committee does a conscientious job with its bills, but also because I vividly remember being spanked with alligator shoes and \$400 suits the last time I tangled, but I can't quite resist commenting on this bill, because it deals in an area where I think we must always be cautious of over-regulation.

Whenever we attack the free enterprise system, by imposing on it some brand of regulation, we ought to inquire very carefully what is the ill that is being attacked, what is the damage being done to the consumer, what evil are we trying to prevent, and in trying to prevent it, are we accomplishing enough to offset the cost of the policing and the damage to the general spirit of free enterprise?

I would like very much to hear from the Committee on Business Regulation just why they think that this bill is so important.

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

Senator CHAPMAN: Mr. President and Members of the Senate: This very interesting bill before the Committee is supported by the Committee in a 10 to 3 Ought to Pass. Both small and large theater owners in Maine supported this bill, it was only opposed by the large out of state film producers.

The bill, essentially prohibits the practice of blind bidding on first run films in Maine. A practice that goes something like this. The film distributors and makers send out a brochure describing the film and nice pictures and so on, well in advance of the date that it will be available, and the theater houses are asked to bid on those films based upon that information in those flyers.

The film is not even ready for viewing or isn't even finished at that point in time, may not be, in some instances, for as long as 6 months to a year in the future. The film shows, the theaters, don't even know what the rating is going to be on that film, so the theaters are put in the spot of buying a "pig in the poke," if you will, of submitting a bid on a film that they haven't seen.

This bill would require that the films be trade screened, before the bids are sought.

There was some concern about some of the provisions in the bill and you'll notice that the Committee has a sunset amendment on here that will sunset this legislation after 2 years. There are some other states that are doing this, others already considering this same issue.

It's interesting to note, for example, some of the supporters of this bill traveled from as far as Presque Isle and Caribou to come down to the hearing to speak out in favor of this measure. The Majority of the Committee was convinced that the passage of this bill would improve competitive conditions by increasing competitive pressure on the distributors for the protection of quality films. I urge the Senate accept this L. D.

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

Senator COLLINS: Mr. President, I heard the good Senator from Sagadahoc say that he thought that the competitive conditions that would be enhanced by doing away with blind bidding would produce better quality films. If I really believed that, I guess I'd be tempted to be on his side of the issue.

I am a real critic of the quality of the films that come out these days, under all the systems that are prevailing in the financing of those systems, but I really doubt if there is any bearing on the quality of our movies, in changing this system of financing.

I would point out to the Senate that we use a type of blind bidding in many parts of our economy. One time I represented a Food Producer and Processor, and it was the practice of that Producer and Processor, because he had a good reputation, to offer his entire output of a particular crop to various chain organizations of grocers. This was the way that he used to finance the production, the processing of the crop. Now the bidders didn't know what the quantity would be, or what the quality would be, but just as with these movie producers, they knew the name of the performers, they knew something about the reputation of the performers, and they knew the name of the product.

Now this was a very useful mechanism to the people involved in that part of our economy. We have related examples, you can read them everyday in the Wall Street Journal, bidding on various types of crops, various types of futures.

There's been an entirely new type of market open up in futures and securities. Now all of these mechanisms have come about as part of the American System of Free Enterprise, because there was a need for them, and because they worked out. If we have come to the point of abuse or if we have come to the point of restraint of trade, then the Federal Government has ample laws under the "Sherman Act" to step in and deal with anti-trust violations and other price fixing violations of our laws.

The Maine Legislature is really being made the forum for a national struggle, between 2 giant organizations. The Motion Picture Producers and the Motion Picture Exhibitors, they're both strong and well financed, and healthy and they have excellent lobbyists, and I've talked with the teams of lobbyists and both sides of this issue in this Legislature and they have given me reams and reams and reams of material. I don't know why I ever got into this, sometimes, because I've read 3 or 400 pages of it, but anyway I did, like Ralph Lovell when he gets into a pharmacy thing, he gets absorbed, and I do when I get into a legal thing.

I want to give you, in conclusion, just a brief quotation from the latest study and the reason that I didn't insist on waiting for the Attorney General's opinion that I requested is that this week I received an advance copy of the March 1979 issue of the Harvard Law Review which deals with this whole subject in great detail.

After examining some of the very delicate questions under the first and 14th amendments and the violation of the Commerce Clause questions, it comes to this point. It says "the cru-

cial decision in deciding whether blind bidding should be prohibited is whether the economic benefits to the entire industry resulting from the practice outweighs the alleged unfairness of blind bidding and the slight contribution which it makes to restricting market shared gains by independent distributors. The statistical data to validate this assumption is unavailable while trade-screening might permit greater numbers of independent distributors, films to reach the theaters, the entire industry might be rendered less efficient if blind bidding is prohibited.

"Given the absence of compelling reasons to eliminate blind bidding, legislative or administrative intervention in the industry to end the practice seems unwarranted and unwise, nor should a voluntary agreement between distributors and exhibitors to limit blind bidding be tolerated by the Justice Department.

"The practice does not appear to be sufficiently anti-competitive to justify such a self imposed vertical restraint of trade. Unregulated market competition, in short, should prevail. This free competition in the moving picture industry is threatened by the current trend of State Legislative activity."

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion by the Senator from Kennebec, Senator Pierce, that the Senate Indefinitely Postpone Senate Amendment "A", please rise in their places to be counted.

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

20 Senators having voted in the affirmative and 8 Senators in the negative, the Motion to Indefinitely Postpone Senate Amendment "A", Prevails.

The Bill as amended passed to be Engrossed, in concurrence.

The President laid before the Senate the Second Tabled and specially assigned matter for May 3.

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

Tabled—May 2, 1979 by Senator Danton of York.

Pending—Motion by Senator Pierce of Kennebec to Indefinitely Postpone Bill and Papers.

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

Senator FARLEY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion by the Senator from Kennebec, Senator Pierce to Indefinitely Postpone this Bill, please rise in their places to be counted.

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

18 Senators having voted in the affirmative and 10 Senators in the negative, the Motion to Indefinitely Postpone, in non-concurrence, does prevail.

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

Senator PIERCE: Mr. President having voted on the prevailing side I now move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now moves that the Senate Reconsider its action whereby this Bill was Indefinitely Postponed.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had, the motion to Reconsider does not Prevail.

Sent down for concurrence.

The President laid before the Senate the

Third Tabled and specially assigned matter for May 3.

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

Tabled—May 2, 1979 by Senator Perkins of Hancock.

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 President laid before the Senate the Fourth Tabled and specially assigned matter for May 3.

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

Tabled—May 2, 1979 by Senator Emerson of Penobscot.

Pending—Passage to be Engrossed.

On motion by the Senator from Penobscot, Senator Emerson, Recommended to the Committee on Transportation, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the Fifth Tabled and specially assigned matter for May 3.

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 2, 1979 by Senator Sutton of Oxford.

Pending—Motion of Senator O'Leary of Oxford to Substitute Bill for Report.

On motion by Senator Sutton of Oxford, retabled for 2 legislative days.

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

Senator USHER: Mr. President in reference to L. D. 901, I move Reconsideration and hope that the Senate will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Usher, now moves that the Senate Reconsider its action whereby Bill, "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships." (S. P. 310) (L. D. 910) was Passed to be Enacted.

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

The PRESIDENT: The Senator from Penobscot, Senator Pray now moves that this be Tabled, 1 Legislative Day, pending the motion by the Senator from Cumberland, Senator Usher.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: I ask for a Division.

The PRESIDENT: A Division has been requested.

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

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

6 Senators having voted in the affirmative and 22 Senators in the negative the Motion to Table does not prevail.

Is it now the pleasure of the Senate to Reconsider its action whereby this Bill as Passed to be Enacted?

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

The 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—May 2, 1979 by Senator Sutton of Oxford.

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:

SENATE REPORTS — from the committee on Local and County Government — Bill, "An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations Relating to the Operations or use of Motor Vehicles, Streets and Highways." (S. P. 183) (L. D. 413) Majority Report — Ought to Pass with Committee Amendment "A" (S. 137); Minority Report — Ought Not to Pass

Tabled—May 3, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Emerson of Penobscot to Accept the Minority Report.

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

Senator EMERSON: Mr. President, the reason that I moved the Acceptance of the Minority Ought Not to Pass Report, and the reason that I hope that you will support me, the reasons are contained in the fiscal note.

When this matter came before our committee, the municipalities were asking for 50% of the fines to be returned to the cities and towns. Then somebody thought that the counties ought to get into the act, so they added the counties to it. Then to make it a little more palatable they dropped the amount of percentage from 50% to 25%, regardless of that I do not feel that it should pass.

This matter would cost the State in the first year, the general fund, almost ½ a million dollars, \$440,000 the first year, and the second year would cost \$587,000. Besides that would take additional personnel to track the fines and so forth.

I would remind you also, that presently about \$2,000,000 comes out of the general fund to make up the difference between the amount of fines and the expenditures of the courts. So this would add another ½ million to that.

If there is any surplus to be returned to the cities and towns, I believe that we have a mechanism now called Revenue Sharing which would return it and would cost nothing extra to do that. I would hope that you would support me on this motion.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: My only intention when I presented this Bill to the Local and County Government Committee, of which apparently the majority of the Committee agreed with me, was that the cost of running municipal and sheriff's departments are proliferating in the State of Maine. The cost of vandalism, the cost of over-time, union negotiations, are all adding to the public service costs to the municipality or to a town.

The intent was very simple that since the municipal organized police departments and sheriff's departments are the first line of defense to protect the citizens of that community, there should be some mechanism that would compensate them for this particular effort without taking it out of the municipal tills of the good municipal citizens that do not get involved with violations of law.

Very simply what this does is returns 25% of the fine that is levied against the person in violation to the municipality.

At present we have not made a determination exactly if that would be paid annually or semi-annually, but this could be handled very

simply under rules and regulations. That is why I would hope Mr. President and Members of the Senate, that you would support at least for the time being, me against the motion to accept the Minority Report and hopefully accept the Majority Ought to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

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

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

12 Senators having voted in the affirmative and 9 Senators in the negative, the motion to Accept the Minority Ought Not to Pass Report does prevail.

Sent down for concurrence.

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

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)

Tabled—May 3, 1979 by Senator Katz of Kennebec

Pending—Passage to be Engrossed.

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

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

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)

Tabled—May 3, 1979 by Senator Conley of Cumberland

Pending—Passage to be Engrossed.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The President would direct the Senate's attention to: Bill, "An Act to Increase Fees for Atlantic Salmon Permits." (H. P. 492) (L. D. 633) tabled earlier in today's session by the Senator from Kennebec, Senator Katz, pending the motion by Senator Redmond of Somerset.

On motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

On Motion by Senator Katz of Kennebec, adjourned until Monday, May 7, at 11 o'clock in the morning.