

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Ninth
Legislature

OF THE
STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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

May 9, 1979

Senate called to Order by the Secretary.

The SECRETARY: Is it the pleasure of the Senate that the Senator from Kennebec, Senator Katz, preside as President pro tem?

It is a vote.

The Secretary would ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Katz, to the rostrum, to assume the duties of President pro tem.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Katz, to the rostrum, where he acted as President pro tem.

Prayer by Pastor Bruce W. Meyer, Prince of Peace Lutheran Church, in Augusta.

Pastor MEYER: Almighty, merciful and gracious God, we give thanks for the beginning of a new day, for the warmth and beauty of a new season, and for the exhilaration of new challenges in our work that are always before us.

Be with these, our Legislators, O Lord, through the hours of this day, as they confront issues so vital to the strength, the confidence and the spirit of the people of this State.

Illumine their minds, direct their thinking, give them the courage of creative convictions, and enable them to work together, and walk with one another in a way that reflects your presence in these Halls and these Chambers. In the name of Him, who is the way, the truth, and the life. Amen.

Reading of the Journal of Yesterday.

(Off Record Remarks)

Papers from the House
Non-concurrent Matter

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)

In the Senate, May 3, Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "B" (S-136).

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

The PRESIDENT pro tem: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I move we Insist and ask for a Committee of Conference.

The PRESIDENT pro tem: The Senator from Somerset, Senator Teague, moves that the Senate Insist and ask for a Committee of Conference.

Is this the Pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Encourage Disabled Employees to Return to Work." (H. P. 751) (L. D. 935)

In the House, May 3, Majority Report Read and Accepted and the Bill Passed to be Engrossed.

In the Senate, May 7, Minority "Ought Not to Pass" Report Read and Accepted, in non-concurrence.

Comes from the House, that Body Adhered.

The PRESIDENT pro tem: The Chair recognizes the Senator from Oxford, Senator Sutton. Senator SUTTON: Mr. President, I move we Adhere.

The PRESIDENT pro tem: The Senator from Oxford, Senator Sutton, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Provide for Lifeline Electrical Services." (H. P. 840) (L. D. 1043)

In the House, May 1, Minority "Ought to Pass" Report, Read and Accepted, and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-304)

In the Senate, May 2, Majority "Ought Not to Pass" Report, Read and Accepted, in non-concurrence.

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

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I move that we Insist and Ask for a Committee of Conference.

The PRESIDENT pro tem: The Senator from Androscoggin, Senator Trafton moves that the Senate Insist and Ask for a Committee of Conference.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, a week or so ago, the Majority Floor Leader made it quite clear that there would be no Receding and Concurring with the other Body, once a bill was defeated. If the bill was defeated in this branch, then we would just send it to its normal burying grounds.

I notice on L. D. 324 we have a Committee of Conference. I see no reason in the world why the Senate cannot go along with the request of the good Senator from Androscoggin, this morning, and also join in a Committee of Conference.

The Chair will order a Division.

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

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

The Chair will ask all Senators present in the Chamber to please take their seats for this vote.

The Chair reminds the Senate that according to the Senate Rules, it is required that you vote on every item.

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

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

10 Senators having voted in the affirmative and 11 Senators in the negative, the Motion to Insist does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

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

Senator PIERCE: Mr. President, I move reconsideration.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Pierce, moves that the Senate reconsider its action whereby it voted to Adhere.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I would ask for a Roll Call.

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

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

Obviously more than one-fifth having arisen

a Roll Call is ordered.

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate Reconsider its action whereby it voted to Adhere on L. D. 1043.

A Yes vote will be in favor of the motion to Reconsider.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Clark, Conley, Cote, Danton, Farley, Hichens, Martin, O'Leary, Pray, Trafton

NAY — Chapman, Collins, Devoe, Emerson, Gill, Katz, Lovell, McBreaity, Perkins, Pierce, Shute, Silverman, Sutton, Teague, Trotzky

ABSENT — Ault, Carpenter, Huber, Minowsky, Najarian, Redmond, Usher, Sewall

A Roll Call was had.

10 Senators having voted in the affirmative and 15 Senators in the negative, with 8 Senators being absent, the Motion to Reconsider does not prevail.

Non-concurrent Matter

Bill, "An Act Concerning Warning Signs Posted at Certain Railroad Grade Crossings under the Public Utilities Commission." (H. P. 1135) (L. D. 1401)

In the Senate, May 3, Passed to be Engrossed as amended by Committee Amendment "A" (H-290) as amended by Senate Amendment "A" (S-139), thereto in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-355), in non-concurrence.

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

Senator EMERSON: I move we Recede and Concur.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Emerson moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

House Paper

Bill, "An Act to Increase Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs." (H. P. 1373) (L. D. 1600)

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

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

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Sylvia Wilson Leuteman, formerly of England, now of Phippsburg, Maine, who has been a prominent member of that community over the past 5 years received her United States Citizenship on May 1, 1979. . . (H. P. 1371)

In March of 1979, Kevin Frates of Portland, at great risk to himself, heroically saved the life of another human being. . . (H. P. 1372)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Joint Resolution
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Nine

**JOINT RESOLUTION COMMEMORATING
THE BIRTHDATE OF
HARRY S. TRUMAN**

WHEREAS, the people of Maine and the Nation pay tribute to great American citizens on notice of their birthdates; and

WHEREAS, the people of Maine and the Nation hold in especial high esteem this great Nation's former Presidents; and

WHEREAS, May 8, 1979, marks the anniversary of the birth of the former President who guided this great Nation into the second half of the twentieth century; now, therefore be it

RESOLVED: That the 109th Maine Legislature, on behalf of the people of Maine, hereby commemorate the birthdate of Harry S. Truman, a great former President of this Nation, who helped devote the strength; resources and resolve of this great Nation toward assuring a world of justice, harmony and peace for the future of mankind; and be it further

RESOLVED: That suitable copies of this Resolution be prepared and be transmitted by the Secretary of State to Mrs. Harry S. Truman and Mrs. Margaret Truman Daniel. (H. P. 1374)

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

Senate Paper

Senator Conley of Cumberland, (Cosponsors: Senator Collins of Knox, and Senator Carpenter of Aroostook presented, Bill, "An Act to Integrate the Activities of the District Court into the Superior Court." (S. P. 542)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down forthwith for concurrence.

Order

An Expression of Legislative Sentiment recognizing that:

The Cony High School Chess Team coached by Duane Mercier, has become Number 1 in the Nation, having won 20 games and placed first in the novice divisions at the National High School Chess Tournament in Philadelphia. . . (S. P. 543) is presented by Senator Katz of Kennebec. Cosponsored by Representative Hickey of Augusta and Representative Paradis of Augusta.

Which was Read and Passed.

Sent down for concurrence.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Emery O. Beane of Augusta, a Member of the 98th, 99th and 100th Legislatures. . . (S. P. 541) is presented by Senator Katz of Kennebec.

Which was Read and Adopted.

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Aging, Retirement and Veterans on, Bill, "An Act Relating to Retirement Benefits of Superior Court Employees." (H. P. 1093) (L. D. 1332)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Education on, Bill, "An Act to Provide for Voting by Secret Ballot on School Budgets." (H. P. 1004) (L. D. 1238)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Education on, Bill, "An Act Giving Local School Committees more Control with Respect to the Setting of School Calendars." (H. P. 640) (L. D. 794)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Education on, Bill, "An Act to Provide for Using an Average of Recent State Valuations for Purposes of Computing

State Subsidies Under the School Finance Report." (Emergency) (H. P. 1157) (L. D. 1324)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Education on, Bill, "An Act to Better Reflect True Education Costs by Reducing Transportation Reimbursement to School Units for Noninstructional Purposes." (H. P. 1080) (L. D. 1341)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Costs of Transporting Persons to Hospitals for the Mentally Ill." (H. P. 878) (L. D. 1066)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act to Empower Municipal Boards of Zoning Appeals to Grant Moderate Variances." (H. P. 320) (L. D. 418)

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 Permit the Attorney General to Retain Amounts Recovered for Costs of Investigation and Suit." (H. P. 1075) (L. D. 1339)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide for a Local Excise Tax on Watercraft." (H. P. 133) (L. D. 144)

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 Aging, Retirement and Veterans on, Bill, "An Act to Amend the Judicial Retirement System." (H. P. 811) (L. D. 1067)

Reported that the same Ought to Pass.

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

The Committee on Agriculture on, Bill, "An Act Appropriating Funds for Promotion of Directing Marketing of Agricultural Commodities." (H. P. 684) (L. D. 864)

Reported that the same Ought to Pass.

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

The Committee on Business Legislation on, Bill, "An Act to Prohibit the Licensing of Deceptively Similar Names for Firms or Corporations of Agents, Brokers, Adjusters or Consultants under the Insurance Law." (H. P. 1017) (L. D. 1250)

Reported that the same Ought to Pass.

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

The Committee on Business Legislation on, Bill, "An Act to Extend a Barber Shop License 60 Days upon Death of the Barber to Allow the Transitional Time for Getting a New License." (H. P. 969) (L. D. 1207)

Reported that the same Ought to Pass.

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

The Committee on Election Laws on, Bill, "An Act Concerning Nomination Procedure for Nonparty Candidates." (H. P. 519) (L. D. 662)

Reported that the same Ought to Pass.

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

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Juvenile Clients of the Protective Care Division of the Department of Human Services." (H. P. 157) (L. D. 185)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act Enabling the State to Enter into an Interstate Compact on the Emotionally Disordered Offender." (H. P. 1210) (L. D. 1542)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act to Require that Certain Notices of Termination of Tenancy Contain Minimum Information." (H. P. 595) (L. D. 739)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Protect the Retirement Benefits of Employees and Former Employees of the Greater Portland Public Development Commission." (H. P. 1252) (L. D. 1522)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-348)

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

The Committee on Business Legislation on, Bill, "An Act to Improve Private Remedies for Violations of the Antitrust Laws." (H. P. 1077) (L. D. 1330)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-343)

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 Revise the Fees for Service of Civil Process." (H. P. 1027) (L. D. 1258)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-340)

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 Facilitate the Enforcement of Child Support Obligations and Make Statutory Changes Consistent with the Administrative Procedure Act." (H. P. 668) (L. D. 828)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-341)

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.

The Committee on Public Utilities on, Bill, "An Act Relating to Permits for Contract Carriers." (H. P. 577) (L. D. 725)

Reported that the same Ought to Pass as amended by Committee Amendment "A", (H-347)

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A", thereto (H-357).

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. Committee Amendment "A" as amended by House Amendment "A" thereto, was Adopted in concurrence and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

Six members of the Committee on Election Laws on, Bill, "An Act to Make the Attorney General's Explanation of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters." (H. P. 182) (L. D. 235)

Reported in Report "A" that the same Ought Not to Pass.

Signed:
Senator:

PIERCE of Kennebec
Representatives:
GOULD of Old Town
SEWALL of Newcastle
BERRY of Buxton
STUDLEY of Berwick
WENTWORTH of Wells

Six members of the same Committee on the same subject matter Reported in Report "B" that same Ought to Pass as amended by Committee Amendment "A" (H-336)

Signed:
Senator:

FARLEY of York
Representatives:
SMALL of Bath
NADEAU of Lewiston
HALL of Sangerville
TIERNEY of Lisbon
BENOIT of South Portland

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

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

Senator PIERCE: Mr. President, I move that the Senate accept the Ought Not to Pass Report of the Committee.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Pierce, moves that the Senate Accept Report "A", Ought Not to Pass.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending the Motion by Senator Pierce of Kennebec.

Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act to Establish Minimum Warranties for the Sale and Installation of Solar Energy Equipment in Maine." (H. P. 871) (L. D. 1076)

Reported that the same Ought to Pass.

Signed:

Senator: McBREAIRTY of Aroostook

Representatives:
DEXTER of Kingfield
BLODGETT of Waldoboro
DOUKAS of Portland
JACQUES of Waterville
KIESMAN of Fryeburg
MICHAEL of Auburn
HUBER of Falmouth
PELTIER of Houlton
AUSTIN of Bingham
HALL of Sangerville

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

Signed:

Senator: O'LEARY of Mexico

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

Which Reports were Read.

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

Senator O'LEARY: Mr. President and Members of the Senate: A majority of the Committee on Energy and Natural Resources voted to report this bill "Ought to Pass." I respectfully disagreed with their judgment and urge you to join me today in rejecting this bill.

The bill is based on a false assumption, mainly that "A major detriment to the commercialization of solar energy in Maine is lack of consumer confidence in the performance and reliability of solar energy equipment." Based on this questionable assumption, the bill delegates authority to the Office of Energy Resources to establish minimum warranties of one year on installation and five years on the materials or manufacture of solar collectors. Under the terms of the bill, the Office's authority is apparently open-ended and these are merely minimums.

I have a number of problems with this approach. First, I think it is a very bad precedent for the legislature to delegate to an agency the executive branch such broad, open-ended authority.

Secondly, I think it is wrong to single out one particular kind of technology for protection by legislatively enacted warranties, and thereby preempting the role of the marketplace in individual negotiation.

Third, I think that such a significant deviation from normal business practices should have been studied carefully by the proper committee, namely the Committee on Business Legislation, which has substantial background and expertise in this area rather than the Committee on Energy and Natural Resources. It is important to note in this regard that the uniform commercial code offers substantial protection to consumers for express warranties resulting from sellers' and manufacturers' description of goods, and general standards of merchantability.

I would like to quote from a letter to the editor of the Bangor Daily News which was printed in the April 28th edition which points out some of the problems I have mentioned:

"This act will not encourage solar energy within the State of Maine, but will, in fact, discourage it.

"The deterrent to solar energy in Maine is not the lack of consumer confidence in the performance and reliability of solar energy equipment," but the feasibility of such a form of energy under the climatic conditions of this state.

"One of these considerations is the severe cold of the Maine winters and another is the number of sunny days together with the shortness of the daylight hours between late November and late January. Therefore, a great amount of solar energy must be obtained and stored in order to accommodate the long, cold winter season. In Maine, we have only a few short, sunny days in which to obtain it.

"The success of a solar energy system is measured by the initial cost of the solar installation, plus the operating cost of the system, such as interest, real estate taxes and maintenance, as compared to the cost of other methods of energy, such as oil, electricity or wood.

"As an example: \$4,000 is spent on a solar energy heating system in excess of the cost of an alternative energy system, this additional cost will increase the monthly mortgage payment by approximately \$40 per month, or \$480 per year. The real estate tax assessor will increase the annual cost by another \$100, giving the home owner an added annual expense of \$580 per year, plus the cost of electricity used to run the solar system. If you can't save more than the total cost through savings in oil, electricity or wood, it doesn't pay to install the solar system.

"First of all, the act is discriminatory because it singles out equipment used for a cer-

tain purpose and not the same equipment used for another purpose. Some of the same equipment is used for several purposes. A warranty is an insurance policy, the cost of which is the price of the equipment. Therefore, the legislature will be increasing the price of solar equipment in Maine and, of course, the higher the price, the more difficult to justify the cost."

Finally, Mr. President, I would like to refer to a few statistics which appeared in an April 23rd article of Newsweek Magazine entitled "Solar Energy: Mostly Cloudy." This article pointed out that solar hot water systems cost between \$3,500 and \$4,500 for the average home and that solar space heating at \$10,000 to \$15,000 was twice the conventional price. It went on to say:

"Solar's high installation costs are hard to overcome. After five years or so, a solar system might show savings over an all-electric home. But there's rarely an economic case for solar over oil heat.

Mr. President, I believe that the State is going just a little bit too far when it tries to regulate warranties in this area, so therefore, I move the acceptance of the Minority Ought Not to Pass Report.

The PRESIDENT pro tem: The Senator from Oxford, Senator O'Leary, moves that the Senate Accept the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, I'd like to concur with my good friend, the Senator from Oxford, Senator O'Leary on hoping the Senate will accept the Ought Not to Pass Report on this Bill.

In the past the Energy Committee has done everything possible to encourage the use of solar energy in the State of Maine by giving tax incentives, by exempting solar equipment from property and sales tax.

In the past we've learned that domestic hot water heating systems are probably the one form of solar energy which is economically feasible in Maine and northern climates.

Solar systems are very much experimental today, and consequently I feel by forcing dealers to give warranties for 5 year periods, what we're going to do is tend to discourage the use of solar energy in the State of Maine. So I hope the Senate will go along with Senator O'Leary in Accepting the Ought Not to Pass Report of the Committee.

The PRESIDENT pro tem: The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: I respond with remarks perhaps not pertinent to the bill, but certainly pertinent to the remarks of the Senator from Oxford, Senator O'Leary.

In terms of solar energy being pertinent to the State, I'd just like to say that I have a very simple insulated south facing box, with what amounts to a solar window on the south side. It stays roughly 30 to 40 degrees warmer than the outside temperature. I use it to make my con-founded diesel car start.

Senator O'Leary mentioned that Maine has short days, cold temperature, and so on. Solar energy obviously does work, it works very simply, it does not have these high running costs, I'm talking about a passive system.

I'd simply like to defuse people if possible, that the solar energy is impractical or uneconomic. It is economic, and it does work, and it's easy.

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

Senator CLARK: Thank you, Mr. President.

I, too, would care to respond briefly this morning to some of the remarks that have been made supporting the Motion of Ought Not to Pass.

It's been suggested this morning that solar systems in Maine are experimental and I would submit that that is in fact fallacious. It has also been suggested this morning that this bill, L. D. 1076 singles out the equipment, solar energy equipment and that it is indeed, in fact, discriminatory. That also is untrue.

It has also been submitted this morning that this bill might more appropriately have been referred to the Committee on Business Legislation. I would submit that if the Committee on Business Legislation had reported this out, it probably would have a unanimous Ought to Pass Report, rather than a Divided Report, for indeed minimum warranty and guarantees are commonplace in Maine. Those warranties are not extended only to solar energy equipment, but to almost all consumer goods.

I think L. D. 1076 is an appropriate measure to benefit not only the industry, the solar energy industry in the State, but the consumers as well. I hope that we would not accept the Minority Report this morning.

The PRESIDENT pro tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate: I have mixed feelings on this bill, but finally decided to sign it out Ought to Pass.

I guess, I feel that it will do no harm and we do have many things that's warranted for 5 years. So I guess, probably where I've signed it out Ought to Pass. I'm going to vote for it. Thank you.

The President pro tem: The Chair will order a Division.

Will all those Senators in favor of Accepting the Ought Not to Pass Report, please rise in their places to be counted.

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

5 Senators having voted in the affirmative and 17 Senators in the negative, the motion to Accept the Minority Ought Not to Pass Report does not prevail.

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

Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act to Establish a Voluntary Training and Certification Program for Installers of Solar Energy Equipment in Maine." (H. P. 872) (L. D. 1077)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-333)

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

DOUKAS of Portland
DEXTER of Kingfield
HALL of Sangerville
HUBER of Falmouth
KIESMAN of Fryeburg
PELTIER of Houlton
BLODGETT of Waldoboro
MICHAEL of Auburn

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

Signed:

Senator:

O'LEARY of Oxford

Representative:

AUSTIN of Bingham

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amend-

ment "A".

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Establish a Marijuana Therapeutic Research Program." (H. P. 523) (L. D. 665)

Report that the same Ought to Pass as amended by Committee Amendment "A" (H-332)

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

CLOUTIER of South Portland
PAYNE of Portland
BRODEUR of Auburn
BRENERMAN of Portland
NORRIS of Brewer

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

Signed:

Senators:

GILL of Cumberland
HICHENS of York

Representatives:

PRESCOTT of Hampden
MATTHEWS of Caribou
CURTIS of Milbridge
MacBRIDE of Presque Isle.

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

Which Reports were Read.

On Motion by Senator Pierce of Kennebec, Tabled for 2 Legislative Days, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State." (H. P. 674) (L. D. 834)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COTE of Androscoggin
FARLEY of York

Representatives:

STOVER of West Bath
CALL of Lewiston
VIOLETTE of Van Buren
DUDLEY of Enfield
McSWEENEY of Old Orchard Beach

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-337)

Signed:

Senator:

SHUTE of Waldo

Representatives:

DELLERT of Gardiner
MAXWELL of Jay
SOULAS of Bangor
BROWN of Gorham
GAVETT of Orono

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

Which Reports were Read

The PRESIDENT pro tem: The Chair recognizes the Senator from Waldo, Senator Shute. Senator SHUTE: I move that the Senate Accept the Minority Ought to Pass Report.

The PRESIDENT pro tem: The Senator from Waldo, Senator Shute, moves that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Minority Ought to Pass Report of the

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

Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act to Establish a Uniform Allowance for Deputy Sheriffs." (H. P. 70) (L. D. 80)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-323)

Signed:

Senators:

EMERSON of Penobscot
REDMOND of Somerset

Representatives:

LaPLANTE of Sabattus
DUTREMBLE of Biddeford
DRINKWATER of Belfast
WENTWORTH of Wells
BORDEAUX of Mt. Desert
NELSON of Roque Bluffs
McMAHON of Kennebunk
BROWN of Livermore Falls

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

Signed:

Senator:

COTE of Androscoggin

Representatives:

McHENRY of Madawaska
STOVER of West Bath

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

Which Reports were Read.

On Motion by Senator Cote of Androscoggin, the Minority Ought Not to Pass Report of the Committee, Accepted.

Divided Report

The Majority of the Committee on State Government on, RESOLUTION, Proposing Amendment to the Constitution of Maine Changing the Legislature to a Single Chamber, Unicameral System. (H. P. 1033) (L. D. 1347)

Reported that the same Ought Not to Pass.

Signed:

Senators:

AULT of Kennebec
MARTIN of Aroostook
SUTTON of Oxford

Representatives:

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

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under same title. (H. P. 1366) (L. D. 1599)

Signed:

Representatives:

PARADIS of Augusta
REEVES of Pittston

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

Which Reports were Read.

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

Senate

Leave to Withdraw

Senator Teague for the Committee on Taxation on, Bill, "An Act to Extend the Maine Jobs Tax Credit Law for 3 Years." (S. P. 323) (L. D. 953)

Reported that the same be granted Leave to withdraw

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Senator Martin for the Committee on Agriculture on, Bill, "An Act to Prevent Cruelty to Animals by Establishing Certain Licensing Categories and Restriction." (S. P. 206) (L. D. 538)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-153)

Senator Clark for the Committee on Business Legislation on, Bill, "An Act to Amend the Maine Automobile Insurance Cancellation Act." (S. P. 463) (L. D. 1429)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-154)

Senator O'Leary for the Committee on Energy and Natural Resources on, Bill, "An Act to Clarify the Powers and Duties of the Office of Energy Resources." (S. P. 423) (L. D. 1294)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-156)

Senator O'Leary for the Committee on Energy and Natural Resources on, Bill, "An Act to Facilitate Operation of Department of Conservation Campsites." (S. P. 454) (L. D. 1370)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-155)

Senator O'Leary for the Committee on Energy and Natural Resources on, Bill, "An Act to Create a Ground Water Protection Commission to Review the Laws Dealing with Ground Water." (S. P. 397) (L. D. 1215)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-157)

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

Senator Teague for the Committee on Taxation on, Bill, "An Act to Eliminate the Termination Provisions of the Food Products Sales Tax Exemption." (S. P. 462) (L. D. 1428)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-152)

Which Report was Read.

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

Second Readers

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

House

Bill, "An Act to Clarify the Filing Deadline for Candidates' Reports to the Commission on Governmental Ethics and Election Practices." (H. P. 49) (L. D. 58)

Bill, "An Act to Consolidate Aquatic Pesticide Permits into One Agency." (H. P. 1253) (L. D. 1508)

Bill, "An Act to Allow the Board of Environmental Protection to Exempt Snow Dumps from the Waste Water Discharge Licensing Provisions of the Statutes." (H. P. 1023) (L. D. 1256)

Bill, "An Act Relating to Municipal Recreation Grants." (H. P. 1120) (L. D. 1392)

Bill, "An Act Relating to Registration of Commercial and Custom Establishments under the Maine Meat Inspection Act." (H. P. 991) (L. D. 1228)

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

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

Which was Read a Second Time.

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

House — As Amended

Bill, "An Act to Establish Maine Cultural Heritage Week." (H. P. 677) (L. D. 836)

Bill, "An Act to Provide County Commissioner Districts in Washington County." (H. P. 474) (L. D. 591)

Bill, "An Act to Enable Town Meetings to be Held Outside the Corporate Limits Subject to Certain Limitations." (H. P. 979) (L. D. 1192)

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

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

Bill, "An Act to Strengthen the Requirement to Remove Lobstering Equipment when a Lobster License is Suspended." (H. P. 511) (L. D. 627)

Bill, "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission." (H. P. 380) (L. D. 487)

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

The PRESIDENT pro tem would ask the Sergeant-at-Arms to escort the President to the rostrum to assume his duties as President of the Senate.

The Sergeant-at-Arms escorted the President to the rostrum, where he assumed his duties as President of the Senate.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Katz, to his seat on the floor of the Senate.

The PRESIDENT: The Chair would like to thank the Majority Floor Leader for his usual proficient job as President pro tem this morning.

Senate

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)

Which was Read a Second Time.

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

Senator O'LEARY: At this time, is it proper to present an amendment to L. D. 949?

The PRESIDENT: The Chair would answer in the affirmative.

Senator O'LEARY: Mr. President, I present Senate Amendment "A" to S. P. 319, L. D. 949, and move its Adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now offers Senate Amendment "A" to L. D. 949, and moves its Adoption. Senate Amendment "A" (S-151) Read.

The PRESIDENT: The Senator has the floor.

Senator O'LEARY: Mr. President, what this amendment does, is clarify the language so that it's perfectly clear that it applies only to the private sector and it does include the Retired Disabled now.

Senate Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

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

Which was Read a Second Time.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" under Filing Number S-161 and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amend-

ment "A" to L. D. 902, and move its Adoption. Senate Amendment "A" (S-161) Read and Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Concerning the Definition of Criminal Mischief under the Maine Criminal Code." (S. P. 253) (L. D. 762)

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

Sent down for concurrence.

Enactors

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

An Act to Provide Additional Assistance to the County Law Libraries. (S. P. 344) (L. D. 1032)

An Act to Revise the Qualifications for Burial in the Veterans Memorial Cemetery. (H. P. 923) (L. D. 1138)

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

An Act to Allow the Various Counties to Pay on a Biweekly Basis. (S. P. 124) (L. D. 250)

An Act to Permit Nonreceiving Units to Approve School Appropriations in a Single Warrant Article. (S. P. 178) (L. D. 379)

An Act to Increase Maximum Gross Vehicle Weight for Farm Trucks. (S. P. 233) (L. D. 685)

An Act to Define Educational Institutions as they Relate to the Unemployment Compensation System. (S. P. 351) (L. D. 1099)

An Act Relating to the Location of the Office of Superintendent of Insurance. (S. P. 441) (L. D. 1334)

An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility. (S. P. 530) (L. D. 1589)

An Act Concerning Access by Physically Disabled Persons to Certain Public Facilities. (H. P. 707) (L. D. 891)

An Act to Provide for Ancillary Complaints in Second Offense Operating Under the Influence Cases. (H. P. 1256) (L. D. 1510)

An Act Concerning the Liability of Landowners for Recreational or Harvesting Activities on their Land. (H. P. 1350) (L. D. 1588)

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 Increase Fees Charges by Bail Commissioners. (H. P. 1129) (L. D. 1398)

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

Senator CONLEY: Mr. President and Members of the Senate: I presume that this is probably a unanimous Committee Report from the Committee on Judiciary.

But as I look at the bill, it's sort of a gut issue to me and it bothers me tremendously to know that people who are brought to a lock-up, who in many cases are innocent people, once they are in court, are assessed a \$20 fee so that they can be released from that lock-up.

Our laws are such that anyone who is brought to jail, whether it's under operation of motor vehicle under the influence, or whether it's affray, whether it's a little skirmish in the back yard, or whatever it may be, they're brought to jail, and in order to get released from that jail, they must pay a Bail Commissioner a fee.

A few years ago, Bail Commissioners used to operate during the day hours of 8 a.m. to 8 p.m. for \$5. It's interesting to know what the Bail Commissioner does, because it's absolutely nothing other than giving an oath and having an individual, those who are placing sureties, sign the bottom of that oath, as well as the arrested victim. He doesn't pay for the bonds, the bonds are given to him by the county. All he does really is get in his car, drive down to the jail,

meet the defendant, then the surety, sign the bond, pick up his \$5, today it's \$10, and he moves on his merry way.

Now we look at this bill that's before us this evening. A few years ago, just a short time ago, it was \$10 that a Bail Commissioner got for his services during the hours of 8 p.m. to 8 a.m.

If we were talking about a Bail Commissioner going in and bailing one individual, that might make some sense. But the case is that on many occasions a Bail Commissioner goes in and he's bailing out sometimes as many as 10 people at a wallop.

Now we hear the human cry of "Oh, the poor fellow has to get out of bed, and get dressed, and get in his car, drive down to the jail, fill out the bonds, and all this stuff." It's total nonsense, it's total nonsense, he was never drafted for the position. He generally has gone to the Resident Justice of the Superior Court and asked and pleaded with the Justice to be put on as a Bail Commissioner, because he knows that it's a darn good living.

Behind all this lies many, many cases of innocent victims or people who cannot afford a fee to pay a Bail Commissioner, and therefore, their kids, or their loved ones are kept in the jail until they are brought into court.

\$20 to me is just an outrageous fee, an outrageous fee. I come from a neighborhood where there are many, many kids, big families. Many times there are skirmishes that involve 2 and perhaps even 3 kids of the family. We just bring up the patrol car, scoop up 10 kids, they're all brought down to the jail. I admit that the Portland Police Department is very warm hearted on many occasions, they will call the parents down, but there are some cases where 2 and 3 members of the family are held there. The parents have absolutely no financial resource whatsoever to be able to provide the services of a Bail Commissioner.

I just think if the Senate is really concerned about what is right, that I don't think \$15, as the law presently reads is too little for what little services are to be provided for by the Bail Commissioner. So I would request a Division on the Enactment of this Bill, Mr. President.

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

Senator COLLINS: Mr. President, it's interesting that all the proponents of this bill came from the Portland area. They have, I guess, a fair amount of business in the nighttime down there, and we asked to increase the fee to \$30 in the nighttime and \$20 in the daytime. We didn't make any increase in the daytime, and we recommended a \$5 increase in the nighttime.

I would agree with the Senator that it would be a mistake to make the burden on indigent people, too heavy in this area. On the other hand, the people who do get out of bed in the nighttime and come down to the police station, and tend to these duties, which are sometimes rather unpleasant, sometimes the people that are being dealt with are rather unpleasant, and in a rather outraged condition. They deserve to be paid something. In some cases they have some mileage overhead costs, that go with the performance of their duties.

I would agree that there are some times, when they have a bonanza, because they get several jobs at once, and there are other times when they come down on a cold night, and go back, and they really haven't made very much.

The Judiciary Committee did debate this, I was on the side of reducing the amount or not increasing it at all. But we came to a consensus as we sometimes do, not too often, but sometimes we come to the consensus, that with a little give and take, that this one change, \$5 in the nighttime was a reasonable request for this sort of service.

I guess that perhaps my heart is not quite as soft as that of the Senator from Cumberland about the people who don't have the \$20. A lot of them would do well to spend the night in jail anyway. It would be better for them, it would

be better for their families, it would be better for most everyone concerned.

I do not share the Senator's suggestion that most of those people are innocent. People that are in trouble in the middle of the night, I think, have to suffer a little inconvenience both freedom and in the pocketbook. We shouldn't let our hearts bleed so profusely for them. I hope the Senate will stay with its previous position and vote in favor of Enactment.

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

Senator CONLEY: Mr. President, generally when a member of this body gets up and makes reference to this being a Portland Bill, I want to make it perfectly clear that this is one Portland Bill, that I do not care one bit about.

I am not trying to impress upon the Senate that most of these people are innocent victims, because probably that is not true at all. But I think that if we are concerned about justice at all, and we just concerned ourselves with the fact that there are people who are found innocent, who are being penalized \$20 for the services of someone who likes to provide this type of service.

It is just an extreme financial imposition on many families whether the fellow is in there for aggravated assault, if he has got the \$20 bucks he can get out, that is not the case. I just think that if you are really concerned about whether or not the bail commissioner's fees, I think it should be justified for what reasons should it be raised to \$20.

It was just a few years ago, that it was \$10, it just seems to me that all of a sudden a Judge appoints some individual as a bail commissioner, he is making \$15 at a slot. You know that is pretty good, then he get a little greedier, let's really sink our teeth in to this "poor son of a gun" in there and we can get \$20 bucks out of him.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Enactment, 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 affirmative and 14 Senators in the negative, the Bill Fails of Enactment in non-concurrence.

Sent down for concurrence.

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

Comes from the House, Indefinitely Postponed.

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

Senator CHAPMAN: Mr. President, I move that the Senate Indefinitely Postpone, in concurrence.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, moves that this Bill be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: I could not agree more with the Senator, I think probably this bill, is more aptly entitled the Sign Painters Relief Act of 1979, however I do notice the Sponsor is out to the Chamber, and I wonder if somebody might table this until later in today's session.

On Motion by Senator Conley of Cumberland Tabled, until later in today's session, pending the Motion by the Senator from Sagadahoc, Senator Chapman.

Emergency

An Act to Permit Depuration Facilities to Operate during Red Tide.

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Gover-

nor for his approval.

Orders of the Day

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

SENATE REPORTS — from the Committee on Education — Bill, "An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine" (S. P. 259) (L. D. 789) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled—May 7, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

On Motion by Senator Katz, of Kennebec, Retabled.

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

Bill, "An Act Relating to Bass Tournament Permits." (H. P. 413) (L. D. 529)

Tabled—May 8, 1979 by Senator Usher of Cumberland.

Pending—Motion of Senator Pray of Penobscot to Indefinitely Postpone Bill and Papers.

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

Senator USHER: Mr. President I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Indefinite Postponement of L. D. 529, please rise in their places to be counted.

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

1 Senator having voted in the affirmative and 23 Senators voting in the negative, the Motion to Indefinitely Postpone does not prevail.

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

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

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

Tabled—May 8, 1979 by Senator Perkins of Hancock.

Pending—Enactment.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Members of the Senate: I would move for Indefinite Postponement of this Bill and all of its accompanying papers, and speak briefly.

The PRESIDENT: The Senator has the floor.

Senator PERKINS: Ladies and Gentlemen of the Senate. In looking at the engrossed copy of this Bill, I would read to you the definition of the bill, and then ask for your own judgement.

I think that while I have extreme respect for its sponsor and for its mission, many times, we get carried away with good causes to the expense of those causes that are already in place, and which are now underfunded.

I mentioned my own which would be Aging, Mental Health, have come to the Appropriations Table and they are losing federal funds. This year, alcoholism we have heard year after year is underfunded, and the education toward the prevention of it is underfunded. Crisis centers are something that already sit on the table, and these things could go on and on, if you look at the back of today's calendar, and you will see how many things are already on the table, to be funded this year this in the light of the revelation that just 2 days ago, Congress voted to eliminate 15½ million dollars of revenue sharing.

I'll go on with the definition of this "for the purpose of this chapter unless the context otherwise indicates, Dental Health Education shall mean provision of printed curricular, audio visual aids, toothbrushes, floss, disclosing tablets, topical and systemic fluorides and necessary permanent equipment to maintain

oral hygiene."

Now my normal inclination would be to favor this because I could see terrific increases in my sale of toothbrushes, and the permanent equipment. I suspect my waterpick sales could be increased at the same rate.

These things are all noble and very good and I think that in our effort to perhaps protect those who are in problems, from the cradle to the grave, that we should, in fact, do them. My point is that we cannot do all of these things, and until we can do some of the other causes well we should not attempt any new programs. We should not establish another level of bureaucracy which would be to administer a program, while we leave others which are not adequately funded.

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

Senator TROTZKY: Mr. President and Members of the Senate: I oppose the motion to Indefinitely Postpone this bill. First of all, one of the major issues in government costs today is controlling medical costs. In the State of Maine there is a high degree of dental decay which is prevalent throughout the State.

The federal government did provide seed money for a program which enabled communities which wanted to, it was permissive to purchase for example fluoride tablets, so that young students in school could swish with the fluoride treatment and the fluoride treatment has been proven to harden the teeth and prevent decay.

Once these federal funds are dried up, then I think most of you people are aware that our school systems are cutting back on funds, the school boards are and the city councils are throughout the state, that one of the first programs that is going to be dropped is the dental health program. But again if we look at the total cost down the line, if we do not provide protection for young people today, we are going to pay for it later. We are going to pay for it in terms of treatment rather than the smaller cost which is prevention, so I hope that the Senate would not indefinitely postpone this bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion to Indefinitely Postpone L. D. 920, please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 10 Senators in the negative, the motion to Indefinitely Postpone does prevail.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I move Reconsideration.

The PRESIDENT: The Senator from Hancock, Senator Perkins, moves that the Senate Reconsider its action whereby it Indefinitely Postponed L. D. 920.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not prevail.

Sent down for concurrence.

The President laid before the Senate the Fourth Tabled and specially assigned matter: Bill, "An Act to Amend the Authority Granted to Municipalities to Enact Police Power Ordinances." (H. P. 957) (L. D. 1187)

Tabled—May 8, 1979 by Senator Najarian of Cumberland.

Pending—Passage to be Engrossed.

On Motion by Senator Conley of Cumberland, Retabled for 1 Legislative Day.

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

HOUSE REPORTS — from the Committee on Labor — Bill, "An Act to Amend the Labor

Law in Relation to Items to be Furnished Employees by Railroad Corporations with Every Payment of Wages." (H. P. 344) (L. D. 443) Majority Report — Ought to Pass as Amended By Committee Amendment "A" (H-309) Minority Report — Ought Not to Pass

Tabled—May 8, 1979 by Senator Sutton of Oxford.

Pending—Acceptance of Either Report.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: This is truly a strange bill, it is before this body at the suggestion of the Railroad Labor Union.

We are being asked to Legislate an issue that should properly be negotiated between labor and management. The whole issue centers on wage information supplied by Railroad Management to employees. This information is very complete now.

The very precise information supplied employees is the result of negotiations between Labor and Management over the years. This issue would properly be one more item for negotiation. Labor has never attempted to bring this issue to the bargaining table, until the attempt has been made, I am opposed to this Legislation and I urge that you Accept the Ought Not to Pass Report.

The PRESIDENT: The Senator from York, Senator Lovell, moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: I would oppose the motion by the good Senator and speak briefly.

There seems to be after looking into this Bill, there seems to be a very genuine difference of opinion on whether or not this is in fact a negotiation item. I am having difficulty in determining whether it is or it isn't. It seems to me that the request made by the Union is not an unreasonable one in this case.

Presently after looking into this I found that each railroad employee, and this by the way, effects only operating personnel, for instance, somebody on the Maine Central railroad, this bill would effect about 400 people. Each person turns in at the end of the week a sheet which lists daily the number of hours worked, etc., etc., When they get their pay check back, it is a gross amount, so if there is a miscalculation or if there is a difference of opinion they cannot really tell exactly where it is, they have to go through quite a process of filing a grievance or going to the people and finding out exactly where the discrepancy came in.

The railroads already have computer print-outs and this one is a typical example of 6 different people and as you can see each day is listed, with a series of information from how many miles that they travel, over-time earnings, the regular earnings, and so forth.

Really all that they are asking is that taken from this computer sheet they just take one section of this and attach it to their check. Then the person would know exactly where a discrepancy may come in and then I think that it would actually benefit both parties so that if a grievance was filed or there was a discrepancy they certainly would know exactly where it is.

There is no doubt about it, it would take a little bit of extra time, and force them either to clip this off, or whatever the process is and paper clip it to a person's check, but people on the railroad, because it is a complicated pay system, really feel that this would be a great benefit to them. I hope that you would go along with their request to do this, I think that is not an unreasonable request, and would ask for a division on the motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of the Senator from York, Senator Lovell, 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.

13 Senators having voted in the affirmative and 13 Senators in the negative, the motion to Accept the Minority Ought Not to Pass Report does not prevail.

On Motion by Senator Katz of Kennebec, tabled for 1 Legislative Day, pending Acceptance of the Majority Report.

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

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

Tabled—May 8, 1979 by Senator Trafton of Androscoggin.

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

Senator CONLEY: Mr. President, I move the Senate Reconsider Accepting the Majority Ought Not to Pass Report on L. D. 1347.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Reconsider its action whereby on RESOLUTION, Proposing an Amendment to the Constitution of Maine Changing the Legislature to a Single Chamber, Unicameral System. (H. P. 1033) (L. D. 1347) it accepted the Majority Ought Not to Pass Report of the Committee.

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

Senator MARTIN: I request a Division.

The PRESIDENT: A Division has been requested.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I know that you are not going to like me, but I request a Roll Call.

The PRESIDENT: The Senator is absolutely accurate.

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

Senator TRAFTON: Mr. President and Members of the Senate: Just to recall for you what this bill is about, this is the bill that would create a Unicameral legislature and it would essentially eliminate the Senate, and reduce the size of the one remaining body, somewhat. It would also provide for a referendum to allow the people of Maine to decide if they felt that that was more acceptable form of government. I would just ask you to reconsider, to at least, allow us to debate this issue. I am sure that we are all interested in the form of government that we have here and whether some improvements can be made.

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

Senator KATZ: Mr. President, as I read the bill, it will be the House that will be done away with and the Senate will be expanded.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate Reconsider its action whereby it ac-

cepted the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Conley, Katz, Pray, Trafton.

NAY — Ault, Chapman, Clark, Collins, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Lovell, Martin, McBreairty, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trotzky, Usher.

ABSENT — Carpenter, Najarian.

A Roll Call was had.

4 Senators voting in the affirmative and 26 Senators in the negative, with 2 Senator being absent, the Motion to Reconsider does not prevail.

The PRESIDENT: The Chair would direct the Senate's attention to Bill, "An Act to Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices." (H. P. 624) (L. D. 766), tabled earlier in today's session by the Senator from Cumberland, Senator Conley, pending the Motion by the Senator from Sagadahoc, Senator Chapman, to Indefinitely Postpone.

The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement of L. D. 766, please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 13 Senators in the negative, the motion to Indefinitely Postpone does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be Passed to be Enacted?

The Chair recognizes the Senator from Hancock, Senator Perkins.

Sensor PERKINS: I request a Roll Call.

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

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

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

The pending question before the Senate is Enactment of L. D. 766.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Clark, Conley, Cote, Farley, Hichens, Huber, Martin, Minkowsky, O'Leary, Pray, Trafton, Usher.

NAY — Ault, Chapman, Collins, Danton, Devoe, Emerson, Gill, Katz, Lovell, McBreairty, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trotzky.

ABSENT — Carpenter, Najarian.

A Roll Call was had.

12 Senators having voted in the affirmative, and 18 Senators in the negative, with 2 Senators being absent, L. D. 766 Fails of Enactment.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Sensor PERKINS: I move reconsideration.

The PRESIDENT: The Senator from Hancock, Senator Perkins, moves the Senate reconsider its action whereby L. D. 766 Failed of Enactment.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

the Motion does not prevail.

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

Paper from the House Joint Order

An Expression of Legislative Sentiment recognizing that:

Dave Whitlow has resigned his post as Town Manager of Falmouth after serving the community well for the past 5 years. . . (H. P. 1376)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

House Papers

Bill, "An Act to Ensure the Prompt Decision of Cases Before the Workers' Compensation Commission." (H. P. 1380) (L. D. 1605)

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

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

Bill, "An Act Relating to Motor Carrier Reform." (H. P. 1381) (L.D. 1606)

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

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

Sensor KATZ: Mr. President, before I move the pending question, I want to express my concern. This is the 78th Legislative Day, it is May the 9th. Here we have additional bills going into an extraordinary crowded committee schedule, which we're deeply concerned about.

I sincerely hope this is the last of what we're going to see.

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

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

Sensor PIERCE: Mr. President, is the Chair in possession of L. D. 319.

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

Sensor PIERCE: I would now move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves the Senate reconsider its action whereby Bill, "An Act Relating to the Maine Medical and Hospital Malpractice Joint Underwriting Association Act." (S. P. 143) (L. D. 319) (Emergency) was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Sensor CHAPMAN: Mr. President, I offer Senate Amendment "A" to L. D. 319, under Filing S-158, and move its adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "A" to L. D. 319 and moves its Adoption.

Senate Amendment "A" (S-158) Read.

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

Sensor CONLEY: Mr. President, I wonder if the good Senator might explain what the amendment does?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Sensor CHAPMAN: Thank you, Mr. President. Mr. President and Members of the Senate: This bill corrects a date that was inadvertently allowed out of committee incorrectly.

This bill has to do with extending the authority of the Joint Underwriting Association for another year. One of the dates was incorrectly stated.

Senate Amendment "A" Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent up for concurrence.

The Chair appointed on the part of the Senate as Conferees on An Act to Require that Persons Convicted of Habitually Sexually Molesting a Child, under the Age of 14, may be Asexualized. (H. P. 816) (L. D. 1018)

Senators:

COLLINS of Knox

DEVOE of Penobscot

CLARK of Cumberland

The Chair appointed on the part of the Senate as Conferees on An Act Regulating Hunting with Muzzle-loading Rifles. (H. P. 498) (L. D. 622).

Senators:

HUBER of Cumberland

HICHENS of York

O'LEARY of Oxford.

The Chair appointed on the part of the Senate as Conferees on An Act to Eliminate the Jurisdiction of the Maine Milk Commission over 1/2 Pint Containers of Milk (H. P. 482) (L. D. 613).

Senators:

HICHENS of York

EMERSON of Penobscot

USHER of Cumberland

(Off Record Remarks)

On Motion by Senator Pierce of Kennebec, Adjourned until 9 o'clock, tomorrow morning.