

MAINE STATE LEGISLATURE

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



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

LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

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

May 10, 1979

Senate called to Order by the President.

Prayer by Father Thomas J. Joyce, Pastor of St. Mary's Catholic Church, in Augusta.

Father JOYCE: O God, we humbly ask your blessing on all gathered here this morning. We ask that you sustain these men and women in their work, a special blessing on their behalf that they may always have the strength to accomplish the task that is theirs to fulfill.

Realizing that all law emanates from you, their's is said to be both a pious and a patriotic duty. One's service to one's fellow human beings could be summed up in that great virtue of charity, love of God, and love of men.

We therefore, ask your blessing, and as all things begin and end with you, this meeting begins with our humble prayer. Thank you for your past blessings, and petition for your help in the remaining time of this session. May God bless you. Amen.

Reading of the Journal of yesterday.

Senator Pray of Penobscot, was granted unanimous consent to address the Senate Off the Record.

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

Recess

After Recess

The Senate called to Order by the President.

(Off Record Remarks)

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

Senator Devoe of Penobscot was granted unanimous consent to address the Senate. On the Record.

Senator DEVOE: I move that Senate Rule 39 be Suspended for today's session.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, moves that Senate Rule 39 be Suspended for today's session.

Is this the pleasure of the Senate?

It is a vote.

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

Bill, "An Act Concerning Benefits for Fire Fighters under the State Retirement System for Heart or Lung Injuries." (H. P. 583) (L. D. 733)

In the House, May 7, Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-324)

In the Senate, May 8, Minority "Ought Not to Pass" Report, Read and Accepted, in non-concurrence.

Comes from the House, that Body Insisted.

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Consideration.

Joint Order

An Expression of Legislative Sentiment recognizing that:

Dan Bolduc, of Waterville, a former Olympic hockey player and presently a member of the Detroit Red Wings Hockey Team, has displayed outstanding achievement in the sport of hockey. . . (H. P. 1377)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communication

HOUSE OF REPRESENTATIVES

May 9, 1979

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

Dear Madam Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act to Establish Holiday Pay for Deputy Sheriffs" (H. P. 104) (L. D. 114)

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on file.

Committee Reports

House

The following "Ought Not to Pass" Reports shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Permit Conventional Registration of Institutional Vehicles." (H. P. 1108) (L. D. 1358)

Bill, "An Act Relating to Winter Driving Skills Under the Motor Vehicle Laws." (H. P. 1107) (L. D. 1356)

Bill, "An Act to Revise the Method of Collection of Tolls on the Maine Turnpike." (H. P. 869) (L. D. 1075)

Leave to Withdraw

The Committee on Agriculture on, Bill, "An Act Concerning Regulations of the Department of Agriculture Governing Organic Fertilizers." (H. P. 1015) (L. D. 1249)

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 Amend the Administrative Procedure Act by Providing for Prospective Review of Agency Rules by the Legislature." (H. P. 381) (L. D. 488)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Repeal the Agent Requirement for the Issuance of Certain Semitrailer Permits." (H. P. 716) (L. D. 889)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Authorize a Bond Issue in the Amount of \$526,000 for Expansion and Improvement of the Sanford Municipal Airport." (H. P. 963) (L. D. 1211)

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 — As Amended

The Committee on State Government on, Bill, "An Act Creating a State House and Blaine House Commission." (H. P. 613) (L. D. 777)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-352)

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 to Refine the State's Accounting System." (H. P. 1034) (L. D. 1282)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-351)

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 Taxation on, Bill, "An Act to Extend the Period for Tax Abatement From One to 5 Years if the Abatement is Justified by an Admitted Error in Assessment Records or Procedure." (H. P. 1172) (L. D. 1432)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-349)

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

Which Report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read.

On Motion by Senator Teague of Somerset, Tabled for 2 Legislative Days, pending Adoption of Committee Amendment "A".

The Committee on Health and Institutional Services on, Bill, "An Act Concerning Training of Ambulance Personnel and Providing for Review of Ambulance Funding by the Governor's Advisory Board on Ambulance Services." (H. P. 1024) (L. D. 1257)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-327)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-350), thereto.

Which Report was Read and Accepted, in concurrence and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted in concurrence. 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

The Majority of the Committee on Labor on, Bill, "An Act Relating to Arbitration under the State Employees Labor Relations Act." (H. P. 142) (L. D. 162)

Reported that the same Ought to Pass.

Signed:

Senator:

PRAY of Penobscot

Representatives:

WYMAN of Pittsfield

TUTTLE of Sanford

BAKER of Portland

MARTIN of Brunswick

BEAULIEU of Portland

McHENRY of Madawaska

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

Signed:

Senators:

SUTTON of Oxford

LOVELL of York

Representatives:

DEXTER of Kingfield

FILLMORE of Freeport

CUNNINGHAM of New Gloucester

LEWIS of Auburn

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

Which Reports were Read.

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

Senator SUTTON: Mr. President, I move that we Accept the Minority Ought Not to Pass Report, and speak briefly to it.

The PRESIDENT: The Senator has the floor.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate. This binding arbitration bill for state employees is the only binding arbitration bill we've had before us so far, there are some others coming. It would allow, in the case of an impasse that the executive branch had in their negotiations with the state employees to take it to binding arbitration, which would be followed by the money matters being sent to the Senate for ratification.

On the surface, it just doesn't sound too bad, but the problem is that those of us who signed the Ought Not to Pass are concerned about the whole idea of binding arbitration taking away from the elected folks their responsibility of actually making the final negotiations on the contract. We feel it would diminish the power of the Executive in this regard and we also feel that it would set a precedent probably for the other public branches in our state, municipal school boards, and what have you. For that reason we oppose the binding arbitration bill.

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

Senator PRAY: Mr. President and Members of the Senate: As I understand the Senator from Oxford, Senator Sutton, basically made 3 points.

One, in reference to the fact of establishing binding arbitration. Two, the concerns of the role of the elected officials. Three, setting a precedent for other levels of government.

First of all, I think it should be understood that the present law, the State Employees Labor Relations Act provides for binding arbitration on non-monetary issues at this time.

Second of all, this bill still allows, in reference to the elected officials role, that cost items be submitted to the Legislature, the Legislature's role remains intact, and that the Legislature can reject or accept cost items as they are presently allowed to. So it does not affect the elective role.

The third point that he made basically comes back to the first point, as far as establishing a precedent, we already have it in the present statutes. I'd ask for a Roll Call on his motion.

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

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

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

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

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Lovell, Perkins, Redmond, Silverman, Sutton, Trotzky.

NAY — Carpenter, Clark, Conley, Cote, Danton, Farley, Katz, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Pierce, Pray, Shute, Teague, Trafton, Usher.

A Roll Call was had.

14 Senators having voted in the affirmative, and 18 Senators in the negative, with no Senators being absent, the Motion to Accept the Ought Not to Pass Report does not prevail.

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Require the Public Utilities Commission to Study the Safe and

Proper Decommissioning of Nuclear Generating Facilities in Maine." (H. P. 632) (L. D. 783)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-346)

Signed:

Senator:

TRAFTON of Androscoggin

Representatives:

DAVIES of Orono

McKEAN of Limestone

VOSE of Eastport

LOWE of Winterport

BROWN of Livermore Falls

NELSON of Portland

BERRY of Buxton

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

Signed:

Sensors:

DEVOE of Penobscot

COLLINS of Knox

Representatives:

REEVES of Newport

GAVETT of Orono

CUNNINGHAM of New Gloucester

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

Which Reports were Read.

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

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate: I move the Senate Accept the Ought Not to Pass Report of the Committee.

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: I would ask you to vote against the pending motion so that we could accept the Majority Ought to Pass Report.

This is a bill that would create a special Joint Select Committee on the Decommissioning of Nuclear Generating Facilities. I think there is no more pressing problem before us at this point than how we are going to deal with that problem in the future.

As you are well aware we have one plant in this state which will be facing decommissioning in about 30 years.

At the hearing on this bill, both the Utilities, particularly, CMP and the other side of the coin, those who have some concerns about nuclear power came forward to testify in favor of the bill, because they recognize whether they are pro or con nuclear power in itself, that we will face the very real problem of decommissioning our current plant in 30 years.

The Nuclear Regulatory Commission has actively encouraged states to give us some indication of what we would like our policy to be with regard to decommissioning. They're interested not only in what particular types of technologies we might feel would be appropriate for our state, but also how we intend to pay for the cost of decommissioning.

Obviously the utilities are particularly interested in how the costs of decommissioning can be fed into the rate base. So I think the time is now that we should be studying this question. I would urge you to allow this Committee to be formed. It has an appropriation of \$5,000, but I think that that will be adequate to begin to address the very important problem of decommissioning. Thank you.

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

Senator DEVOE: Thank you, Mr. President. Members of the Senate: I thank the good Senator from Androscoggin, Senator Trafton, for

summarizing what happened at the Committee Hearing on this matter.

Something that was not mentioned by the good Senator, however, was that similar studies have been made and are now in the process of being made, and are being planned in the future on the federal level and on the state level. There was no indication given at the testimony before the Committee that this particular Joint Select Committee was likely to come up with anything new, novel, and interesting that had not already previously been found as a result of studies on the federal level and in the other various states.

I submit to members of the Senate, that if we're not going to face decommissioning for 30 years, that certainly technology is likely to evolve in the next several years that may make obsolete the results and the conclusions of any study that we would do now and up to January 5, 1981, when we would have to submit our report to the 110th Legislature.

Because of the limited appropriation on this, and because of the very strong feeling of several members of the Committee, that nothing new and novel and anything that would be of help would be likely to be discovered by this particular Joint Select Committee, we felt that it was a rather futile gesture.

I share the good Senator's concern from Androscoggin as to ultimately what we are going to have to do with nuclear waste, and what are we going to do about putting into the rate base some provisions for the rather enormous cost that will result from the decommissioning and eventual shut-down of nuclear generating facilities. But this problem is a long ways away, there are many studies being made. We have no idea whether or not the federal government is going to pre-empt us in this field and establish a national policy that all nuclear generating facilities will have to follow. For that reason, Mr. President and Members of the Senate, I urge you to Accept the Minority Ought Not to Pass Report at this time.

On Motion by Senator Pierce of Kennebec, tabled until later in today's session, pending the Motion by Senator Devoe of Penobscot.

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

Paper from the House House Paper

Bill, "An Act Establishing the Children and Family Services and Child Protection Act of 1979." (H. P. 1384) (L. D. 1607)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

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

Senator COLLINS: Mr. President, this bill isn't printed yet. I asked for a copy and it's just been brought to my desk. It's identified as the Governor's Bill.

We have in the Committee on Judiciary, 2 bills that are earlier drafts of this same bill. I really wouldn't fight with the Committee on Health and Institutional Services over it. But I think it's desirable that all 3 bills be in the same place. I detect a great rush to get this to a certain Committee. I just wonder why. I would ask through the Chair to the Committee on Institutional Services has any special reasons for wanting this bill? If so I would be glad to entertain them.

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, in answer to Senator Collin's question I too asked for a copy of the bill and it wasn't printed. I'm not sure whether it should come before our Committee and I'd like to see the printed version before we

make a decision.

On Motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Reference.

There being no objections, all items previously acted upon were sent down forthwith for concurrence.

Senator Danton of York, was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, Recessed until 4:30 o'clock this afternoon.

Recess

After Recess

The Senate Called to Order by the President.

Senate

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 Restore the Power of Arrest to Private Investigators." (S. P. 275) (L. D. 845)

Leave to Withdraw

Senator Lovell for the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Establish Special Retirement Provisions for Former CETA Employees." (S. P. 244) (L. D. 693)

Reported that the same be granted Leave to Withdraw.

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act Relating to Records of Sales of Used Merchandise." (S. P. 442) (L. D. 1336)

Reported that the same be granted Leave to Withdraw.

Senator Trotzky for the Committee on Education on, Bill, "An Act to Permit Citizens to Petition Local School Boards." (S. P. 362) (L. D. 1109)

Reported that the same be granted Leave to Withdraw.

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

Ought to Pass

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act to Amend the Rate Filing Disapproval Requirements Pertaining to Nonprofit Hospital and Medical Service Organizations and Health Insurance Carriers." (S. P. 505) (L. D. 1566)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Senator Teague for the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Prohibit the Practice of a Mandatory Retirement Age." (S. P. 260) (L. D. 790)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-162)

Senator Trotzky for the Committee on Education on, Bill, "An Act to Clarify the Publication of School Records." (S. P. 123) (L. D. 249)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-166)

Senator Gill for the Committee on Health and Institutional Services on, Bill, "An Act to Authorize the Provision of Services to Developmentally Disabled Children." (S. P. 377) (L. D. 1157)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-163)

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.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Prohibiting a Bank Holding Company from Owning more than One Type of Financial Institution." (S. P. 91) (L. D. 177)

Reported that the same Ought to Pass.

Signed:

Sensors:

CHAPMAN of Sagadahoc
AULT of Kennebec
CLARK of Cumberland

Representatives:

ALOUPIS of Bangor
LIZOTTE of Biddeford
BRANNIGAN of Portland
HOWE of South Portland
SPROWL of Hope
BROWN of Bethel
GWADOSKY of Fairfield
WHITTEMORE of Skowhegan

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

Signed:

Representatives:

DUTREMBLE of Biddeford
JACKSON of Yarmouth

Which Reports were Read.

On Motion by Senator Conley of Cumberland, Majority Ought to Pass Report of the Committee, Accepted, and the Bill Read Once, and Tomorrow Assigned for Second Reading.

Divided Report

Eight members of the Committee on Business Legislation on, Bill, "An Act to Include Services Performed by Chiropractors under Health Insurance Policies and Health Care Contracts which Pay Benefits for those Procedures if Performed by a Physician." (S. P. 131) (L. D. 308)

Reported in Report A that the same Ought to Pass as amended by Committee Amendment "A" (S-164)

Signed:

Sensor:

CHAPMAN of Sagadahoc

Representatives:

DUTREMBLE of Biddeford
LIZOTTE of Biddeford
BRANNIGAN of Portland
HOWE of South Portland
GWADOSKY of Fairfield
WHITTEMORE of Skowhegan
SPROWL of Hope

One member of the same Committee on the same subject matter Reported in Report B that the same Ought to Pass as amended by Committee Amendment "B" (S-165)

Signed:

Sensor:

CLARK of Cumberland

Four members of the same Committee on the same subject matter Reported in Report C that the same Ought Not to Pass.

Signed:

Sensor:

AULT of Kennebec

Representatives:

BROWN of Bethel
ALOUPIS of Bangor
JACKSON of Yarmouth

Which Reports were Read.

On Motion by Senator Conley of Cumberland, the Report "A" Ought to Pass, as amended, Report, Accepted, and the Bill Read Once. Committee Amendment "A" Read and Adopted. 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 Improve Local Government Investment Opportunities." (S. P. 449) (L. D. 1364)

Reported that the same Ought to Pass.

Signed:

Sensors:

EMERSON of Penobscot
COTE of Androscoggin

Representatives:

DRINKWATER of Belfast
DUTREMBLE of Biddeford
BORDEAUX of Mt. Desert
WENTWORTH of Wells
NELSON of Roque Bluffs
McHENRY of Madawaska

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

Signed:

Sensor:

REDMOND of Somerset

Representatives:

BROWN of Livermore Falls
McMAHON of Kennebunk
LaPLANTE of Sabattus
STOVER of West Bath

Which Reports were Read.

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

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

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate Accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Sensor REDMOND: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Sensor SUTTON: Mr. President, may I ask the Chair, the President, if we could have an explanation of this please?

The PRESIDENT: The Senator from Oxford, Senator Sutton, has posed the question through the Chair to any Senator who may care to answer, the gist of the question being, what is the nature of this Legislation?

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Sensor EMERSON: Mr. President, this piece of legislation would allow the towns and cities to invest in the State Pool, any surplus funds they might have. It's not compulsory, but it would allow them to have that opportunity, one more option for an investment.

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

Sensor DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate: I intend to vote for the Ought Not to Pass Report if we have an opportunity to do so. My reasons for doing so are very simple. I think that the funds ought to stay at the local level, and that the banks in their localities be given a chance to invest this money well, for the communities if they have surplus funds, rather than funneling excess funds down here to Augusta for the Treasurer of the State to put in the State Pool. The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Sensor EMERSON: This matter is not compulsory at all. It allows it to be done if they'd like to do it, and they can get their money out at any time that they want.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Emerson, that the Senate Accept the Majority Ought 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.

17 Senators having voted in the affirmative, and 7 Senators in the negative, the motion to Accept the Majority Ought to Pass Report does prevail.

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

Second Readers

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

House

Bill, "An Act Appropriating Funds for Promotion of Direct Marketing of Agricultural Commodities." (H. P. 684) (L. D. 864)

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)

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

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

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

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

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

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

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

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

Which was Read a Second Time.

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

Senator LOVELL: Mr. President, I would like to move that the Senate Accept Senate Amendment "A".

The PRESIDENT: The Senator from York, Senator Lovell, now offers Senate Amendment "A" to L. D. 1067, and moves it's adoption.

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending adoption of Senate Amendment "A".

House — As Amended

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)

Bill, "An Act to Revise the Fees for Service of Civil Process." (H. P. 1027) (L. D. 1258)

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)

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

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)

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

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

Which was Read a Second Time.

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Passage to be Engrossed.

Bill, "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State." (H. P. 674) (L. D. 834)

Which was Read a Second time.

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

Senator LOVELL: Mr. President. May I speak on this item at this present time?

The PRESIDENT: The Chair would advise the Senator in the affirmative.

Senator LOVELL: Thank you, Mr. President. Mr. President and Members: We get a bill such as this just about every session, since I was first in the Senate, in 1960, and we have succeeded in killing the bill. So I'm going to move Indefinite Postponement, and I'll tell you why.

The Kittery Liquor Store makes a net of \$3,-000,000 a year. Now if we placed the whole state under those prices, where they have this low price to compete with New Hampshire, we would be losing \$12,000,000 a year. Because even under the low prices, the various counters, they aren't going to drink twice and three times as much liquor to make up for what we're going to lose.

So consequently we definitely must postpone this bill. Now we're taking in some \$25,000,000 a year on liquor. We just can't afford to lose that \$25,000,000. We raised the age from 18 to 20, we did our part and I see New Hampshire's done the same thing just the other day. So consequently with this tremendous loss, we just can't stand it.

In fact I've gone down to Kittery, I don't trade in New Hampshire, I've gone down to Kittery. I live in the summer time at Moody Beach and I've gone down to Kittery and even in the middle of the winter and seen cars from New Hampshire, Connecticut, Massachusetts, all in front of the Kittery Liquor Store, buying liquor there. I've also in the summertime, seen cars from all over the country. Our prices are lower than the New Hampshire prices. So I would move Indefinite Postponement of the Bill and all accompanying papers, and request a Division.

On Motion by Senator Katz of Kennebec, Tabled for 2 Legislative Days, pending the motion by Senator Lovell of York.

Senate — As Amended

Bill, "An Act to Prevent Cruelty to Animals by Establishing Certain Licensing Categories and Restrictions." (S. P. 206) (L. D. 538)

Bill, "An Act to Amend the Maine Automobile Insurance Cancellation Control Act." (S. P. 462) (L. D. 1429)

Bill, "An Act to Facilitate Operation of Department of Conservation Campsites." (S. P. 454) (L. D. 1370)

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

Sent down for concurrence.

Bill, "An Act to Clarify the Powers and Duties of the Office of Energy Resources." (S. P. 423) (L. D. 1294)

Which was Read a Second Time.

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

Bill, "An Act to Create a Ground Water Protection Commission to Review the Laws Dealing with Ground Water." (S. P. 397) (L. D. 1215)

Which was Read a Second Time.

On Motion by Senator O'Leary of Oxford, the Senate voted to reconsider its action whereby Committee Amendment "A" (S-157) was Adopted.

On Motion by Senator O'Leary of Oxford, the Committee Amendment "A" (S-157) Indefinitely Postponed.

The Bill, Passed to be Engrossed.
Sent down for concurrence.

Enactors

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

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

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

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

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

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

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

Which were Passed to be Enacted.

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

Senator PIERCE: I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate reconsider its action whereby these Bills were 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 does not Prevail.

The Bills, having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

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

Senator KATZ: Mr. President, I am unable to tell reading this bill, because of a reference to other sections of the law, whether a referendum prior to the final approval of a construction project, by the State Board of Education in a city will be by popular referendum, and I wonder if some member of the Education Committee might inform me?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair, to any member of the Education Committee who may care to answer.

On Motion by Senator Trotzky of Penobscot, Tabled until later in today's session, pending Enactment.

Emergency

An Act to Provide for Temporary Driver Education Teacher Certification. (H. P. 237) (L. D. 283)

This being an emergency measure and having received the affirmative votes of 24 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Act." (H. P. 1139) (L. D. 1518)

Tabled—May 8, 1979 by Senator Katz of Kennebec.

Pending—Adoption of House Amendment "A" (H-318).

On Motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

The President laid before the Senate the Second Tabled and specially assigned matter:
HOUSE REPORTS — from the Committee

on Election Laws — Bill, "An Act to Make the Attorney General's Explanation of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters." (H. P. 183) (L. D. 235) Report "A" Ought Not to Pass; Report "B" Ought to Pass as Amended by Committee Amendment "A" (H-336)

Tabled—May 9, 1979 by Senator Conley of Cumberland.

Pending—Motion of Senator Pierce of Kennebec to Accept Report "A".

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

Senator CONLEY: Mr. President, I wonder if the good Senator from Kennebec, Senator Pierce, would elaborate somewhat on this particular bill from the Committee on Election Laws, seeing as I do not have a member on that Committee.

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate. I would be happy to elaborate on the bill. The bill, has been changed by the Committee Amendment, significantly from what it started out to be.

To be very frank I have no great feelings on this bill, one way or the other, whether we should pass it or not. I finally came down on the side that if you have that kind of doubt probably there isn't any real need for it.

The original bill had a good concept. What it wanted to do was try to get across to the voters a clearer picture of what the constitutional amendments do and try to explain them better to the voters. The problem with this is as we delved into it more and all of us applauded that concept, that if we can get these into laymen's terms that would be fine, but the only way that you can really do this is to have the Attorney General write it.

Once the Attorney General gets his legalees back in there to protect himself, and everybody else you really have got the same muddle that you started with, you have got legal language trying to explain constitutional amendments.

So the bill originally called for newspaper advertising, and posters and various other things, and had a fiscal note of some \$12,000 on it. As we developed the lack of any real direction, finally the sponsor felt that maybe we could at least salvage the posters and they found for a cost of \$350 the Secretary of State was willing to develop some sort of poster, which is not really specified here, that would tell an Attorney General's interpretation, that would be posted at every polling place so that if anybody wanted to, they could look at these. Now whether or not that would hold up the lines even longer while people read the posters, I do not know.

I guess that I would leave it up to this body to feel that if you want a bill, if you want to try to have the Secretary of State to develop some posters, as you can see by the Committee Amendment S-336 it leaves it pretty broad for what they can put on them. At one time they talked about posters of a certain size and that went out the window.

The bill has kind of been round and round. The sponsor is anxious for it to be enacted and as I say I do not have any great feeling one way or the other. I just felt that it wasn't really that practical and probably a lot of time and effort would go into posting these and probably they would not do any real good anyway.

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

Senator FARLEY: Mr. President and Members of the Senate: Just having me cut down by my Minority Leader as a non-member of a committee, I am a little reluctant to get up behind that kind of statement.

I would hope that we would defeat the pending motion and get on to accept the Report "B" with the Ought to Pass Report.

The bill does carry some explanation of our constitutional amendments so that people can get a better idea of what they are voting on. As you know if you have been to the polls, in recent elections many people have been to the polls with no idea of what they are voting on, as I am as sure that you are election night, these constitutional questions anywhere from 50% to 60% of them are not even voted on, only because they have a lack of understanding.

The bill does as Senator Pierce has mentioned, give some brief explanation. Not only can you put this outside of the polls, these things are also advertised in the paper, these constitutional questions. People can and many of them do, take and cut it out and take it with them and pre-mark them and take them to the election polls with them.

I would hope that we would defeat the pending motion so that we can Accept Report "B", and send this on to Second Reading.

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

Senator CONLEY: Mr. President, I apologize to the good Senator from York, Senator Farley.

The fact is, speaks for itself that there has not been a real controversial legislation from the Election Laws Committee and, therefore, we have not had any reports from that Committee.

I personally feel that the Bill before us may not seem to be so important to some people, I think that all of us realize that when we get a copy of the Constitutional Amendments or Bond Issues or such that are sent out to the people in November that we get all of this gobbledygook in a pamphlet that is about as boring and as dry as one can possibly imagine, and it leaves a great deal of concern to the people once they appear at the local precinct to vote on these important questions, they truly do not know what is before them.

Although I may concur with some of the sentiments expressed by the Senator from Kennebec, Senator Pierce, I do think that there should be some possible way of simplifying these questions, I think that we should at least try to keep this bill alive until it gets down to the stage enactment, and ponder upon it a little longer. So I would hope that the Senate would vote against the pending motion.

The PRESIDENT: The Chair will order a Division.

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

7 Senators having voted in the affirmative and 17 Senators in the negative the Motion to Accept the Ought Not to Pass Report does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Ought to Pass as amended, Report of the Committee?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, as I mentioned I have certainly no objection to that and I am certainly not going to oppose it, however there is one other amendment suggested if the Bill did pass, that I would offer which is being drawn up that would be ready tomorrow, so I would ask that somebody might table the Bill so that I could offer that amendment.

There is additional language that could go on that same poster which would not, I am sure, in any way deter what the sponsor wanted to do. So I would ask if somebody might table it for one day.

On Motion by Senator Farley of York, Tabled for 1 Legislative Day, pending Acceptance of the Ought to Pass, as amended, Report of the Committee.

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

SENATE REPORT — from the Committee on Taxation — Bill, "An Act to Eliminate the Termination Provisions of the 'Food Products' Sales Tax Exemption" (S. P. 462) (L. D. 1428) Ought to Pass as Amended by Committee Amendment "A" (S-152)

Tabled—May 9, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of Report.

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

Committee Amendment "A" Read.

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

Senator TEAGUE: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under Filing Number of S-167.

The PRESIDENT: The Senator from Somerset, Senator Teague, now offers Senate Amendment "A" to Committee Amendment "A", and moves its Adoption.

Senate Amendment "A" (S-167) Read and Adopted, Committee Amendment "A" as amended, Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

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 9, 1979 by Senator Conley of Cumberland.

Pending—Passage to be Engrossed.

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

Senator SHUTE: Mr. President I move the Senate Suspend its Rules.

The PRESIDENT: The Senator from Waldo, Senator Shute moves that the Senate Suspend its Rules.

Is this the pleasure of the Senate?

It is a vote.

On Motion by Senator Shute of Waldo, the Senate voted to reconsider Adoption of Committee Amendment "A" (S-326).

On Motion by Senator Shute of Waldo, Committee Amendment "A" Indefinitely Postponed, in non-concurrence.

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

Sent down for concurrence.

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

HOUSE REPORT — 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 9, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Majority Report.

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

Senator PIERCE: Mr. President, I move that we now accept the Majority Ought to Pass Report of the Committee.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, and Members of the Senate: Looking at this bill, I fail to understand the need for the bill. The bill deals with the wages that are paid to operating employees of a railroad.

It seems to me that this is something that should be and can be bargained for collectively. It seemed to me that this Legislature ought to interpose itself in this process, only if testimony could be presented to a committee that various bargaining units of various railroads that we have in this state had attempted to remedy a problem and had been unanimously turned

down by management. For this Legislature now to inject itself into this process, without their being a clear demonstration of a need is beyond me. Thank you.

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

Senator LOVELL: Mr. President, I spoke on this bill the other day, and I move Indefinite Postponement of this and all accompanying papers. I would simply like to restate my feelings on this bill, but in a slightly different approach than I took the other day when it was before us.

Labor issues have been focal points of this Legislature. No other issue has taken more of our time or been more thoroughly debated. We have heard that unions should have the right to bargain collectively. I feel it is safe to say we have agreed more with labor on this issue than we have disagreed. Labor continues to make large advances in the field of collective bargaining. L. D. 443 is a labor bill. An interesting point I would like to make is this. The union that caused this bill to be introduced to the Legislature has never yet approached Railroad Management about the wage information addressed by this bill.

In other words, the Railroad Union has completely bypassed the collective bargaining process and come to this Legislature for the resolution of an issue that is clearly a negotiable item.

Ladies and Gentlemen, I don't think we should legislate any issue on behalf of union until the union has first used the collective bargaining procedures available by them. I hope you will vote against this bill, vote for Indefinite Postponement of this bill. I would request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone L. D. 443, 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 Indefinitely Postpone does not prevail.

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

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

The Chair would direct the Senate's attention to:

HOUSE REPORTS — from the Committee on Public Utilities — Bill "An Act to Require the Public Utilities Commission to Study the Safe and Proper Decommissioning of Nuclear Generating Facilities in Maine." (H. P. 632) (L. D. 783) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-346) Minority Report — Ought Not to Pass

Tabled—Earlier in the Day by Senator Pierce of Kennebec.

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

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

Senator CONLEY: Mr. President and Members of the Senate: I don't think there is a more important issue before the country today than that of nuclear power. Certainly I am as concerned as anyone else in this state, with respect to the nuclear power plant at Wiscasset.

The recent events that took place at 3-Mile Island certainly raised the consciousness of every citizen in this country as to the potential danger of nuclear power. In no way do I want to appear to try to insight or excite the people with respect to that type of energy.

I have been told throughout the last few years that to dismantle an atomic energy plant costs as much as it has to initially construct it.

It makes me ponder a great deal, it truly bothers me and I sometimes wonder if perhaps with all our technology that we may not be leaving a time bomb for future generations.

I think that the bill before us today makes a great deal of sense, that we should be involved in knowing how and where nuclear waste is going to be handled. The fact that all this does, after listening to the remarks of the good Senator from Androscoggin, this morning, Senator Trafton, that the utility company itself, involved in this plant, supported this legislation, it makes a great deal of sense to me to join with them and seldom have I joined the utility companies but I certainly am willing to join them today, and I would hope that you would vote against the pending motion.

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

Senator HUBER: Mr. President, and Members of the Senate. I've also opposed the pending motion before us.

Earlier in the day, the Senator from Penobscot, Senator Devoe, pointed out that probably Maine, unilaterally, is not going to do original research on a major national problem. I think he's right and I think we all know the answer to this decommissioning problem which is to pack up the plant and ship it to New Jersey.

I do, however, feel the ratepayers and the PUC should be considering how to handle the decommissioning costs, whether letting it approach us over a number of years and then try and figure out some comparatively, probably severe result in terms of the ratepayers themselves.

When these plants are decommissioned, it's very likely that other plants of some form or other will also be under construction and the ratepayer one way or another is also going to have to deal with these costs.

I think consideration by the PUC is in order now, and I hope this bill will continue successfully on its way.

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

Senator KATZ: Mr. President, I have an enormous amount of respect for the fact if the incident in Pennsylvania taught us one thing, we know very, very little about some of the things we ought to know.

The scope of this bill, the answers it seeks, the problems it raises, there's no relationship to a \$5,000 appropriation. The bill seems to order the PUC to do quite a few things within its present budgetary allowances.

It seems to me we dump and dump and dump on the PUC with a bill like this that says they're going to do all of these things, within the confines of its present budgetary allowances. Good heavens! If this were a federal project, it would have a \$150,000,000 price tag on it by the time it finished.

I'm not quite sure what the State of Maine can do in this area and certainly not very much within the confines of \$5,000. I think it's an excellent bill for some subsequent legislature with some money to put up where it's mouth is to tackle.

The PRESIDENT: Is the Senate ready for the question?

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.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I request a Roll Call.

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

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

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

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Devoe, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

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

Senator SUTTON: Mr. President, I beg Leave of the Senate to pair my vote with the Senator from Cumberland, Senator Clark. If she were here, she would be voting No, and I would be voting Yes.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now requests Leave of the Senate to pair his vote with the Senator from Cumberland, Senator Clark, who if she were here would be voting Nay, and the Senator from Oxford, Senator Sutton, would be voting Yea.

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

It is a vote.

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

ROLL CALL

YEA — Ault, Devoe, Emerson, Gill, Hichens, Katz, Lovell, McBreairey, Perkins, Pierce, Pray, Redmond, Silverman, Teague, Trotzky.

NAY — Carpenter, Chapman, Conley, Farley, Huber, Martin, Najarian, O'Leary, Trafton, Usher.

ABSENT — Collins, Cote, Danton, Minkowsky, Shute.

PAIRED — Clark-Sutton.

A Roll Call was had.

Senator Pray of Penobscot was granted permission to change his vote from Yea to Nay.

14 Senators having voted in the affirmative and 11 Senators in the negative, with 2 Senators pairing their votes, and 5 Senators being absent, the Motion to accept the Minority Ought Not to Pass Report does prevail.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, I move reconsideration of this matter and ask you to vote against me.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, moves that the Senate reconsider its action whereby it adopted the Minority Ought Not to Pass Report of the Committee.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion does not Prevail.

The Chair would direct the Senate's attention to:

Bill, "An Act Establishing the Children and Family Services and Child Protection Act of 1979." (H. P. 1384) (L. D. 1607)

Tabled—Earlier in the Day by Senator Pierce of Kennebec.

Pending—Reference.

On Motion by Senator Katz of Kennebec, referred to the Committee on Judiciary and ordered printed, in non-concurrence.

Sent down for concurrence.

The Chair directed the Senate's attention to Bill, "An Act to Amend the Judicial Retirement System." (H. P. 811) (L. D. 1067) tabled earlier in today's session by the Senator from Kennebec, Senator Katz, pending Adoption of Senate Amendment "A".

Senate Amendment "A" (S-171) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

The Chair directed the Senate's attention to Bill, "An Act to Improve Private Remedies for Violations of the Antitrust Laws." (H. P. 1077) (L. D. 1330) tabled earlier in today's session by the Senator from Kennebec, Senator Katz, pending Passage to be Engrossed.

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

Senator PIERCE: Mr. President and Members of the Senate: As I look over this piece of legislation, I guess perhaps as many of them do for me, the more I look at them sometimes, the less clear they become. This was one of them. I wonder if one of the members of that Committee might explain this bill in a little bit of detail?

The PRESIDENT: The Senator from Kennebec, Senator Pierce, has posed a question.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: The present law allows antitrust actions by anyone directly damaged by a party.

The bill before you, in its original form allowed Class-Actions under the Antitrust Laws for anyone who was damaged directly or indirectly. The bill basically allows for actions for those who are affected indirectly, by an antitrust action.

The U.S. Supreme Court in Brick, Illinois, versus Brick decision in 1976 ruled that indirect damage suits were not allowed under federal law because it would just create a nightmare of suits.

You're talking here about a situation where a manufacturer, manufactures a product and sells it to a distributor, and agreement to fix a price, the distributor then sells it to a wholesaler, the wholesaler then to a retailer, and ultimately to the consumer. Who's hurt here? Who has the action? Right now only where there is a direct relationship to the party before.

This bill, in its original form, before the Committee Amendment was to open it up to anybody, anywhere along the line, could get together in a class action who was indirectly affected by such a price fixing and bring an action.

In the committee hearing, a rather high-powered New York lawyer appeared, and convinced the committee to pass this bill as it was presented in Maine, would create a nightmare similar to that that the Supreme Court of the United States felt would be caused under federal law.

But he commented that it might be all right in the state, if we allowed the state and municipal entities, governmental entities, to bring an action if they were indirectly affected. Not all persons, just municipal and governmental units, he felt that the state, the Attorney General's office for example would be able to exercise judgment in weeding out those suits that were frivolous and put some proper logic into the process.

The Committee went this way and the Committee Amendment adjusts to the original bill in that manner.

Since the hearing in the Committee, I have received a copy of the bill sponsored by Senator Kennedy before the federal government right now, which is in hearings right now, that would amend federal law.

I'm not a lawyer and I can see that the federal bill is looking at changes in a manner that we didn't consider here, primarily in the area of defenses that are available to persons who are indirectly injured. I would suggest that possibly some of the attorneys here in this Body, or others might be able to look into this matter and advise on this problem. Perhaps somebody could table this matter for a day or so until it could be checked out.

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

The Chair would direct the Senate's attention to:

An Act to Provide for Voter Approval of School Construction Projects (H. P. 863) (L. D. 1062), tabled earlier in today's session, by the Senator from Penobscot, Senator Trotzky, 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.

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

Enactor

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

Emergency

An Act to Clarify Home Rule Authority. (H. P. 1097) (L. D. 1376)

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

Senator TEAGUE: Mr. President, I move we Suspend the Rules.

The PRESIDENT: The Senator from Somerset, Senator Teague, now moves that the Senate Suspend it's rules.

Is this the pleasure of the Senate?

It is a vote.

On Motion by Senator Teague of Somerset, the Senate voted to Reconsider its action whereby L. D. 1376 was Passed to be Engrossed.

On Motion by Senator Teague of Somerset, the Senate voted to Reconsider its action whereby it adopted Committee Amendment "A" (H-315)

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

Senator TEAGUE: I present Senate Amendment "A" to Committee Amendment "A" under Filing Number S-169 and move its Adoption.

The PRESIDENT: The Senator from Somerset, Senator Teague, now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-169) Read and Adopted.

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

Sent down for concurrence.

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

Senate Paper

Senator Danton of York presents, Bill, "An Act to Indemnify Motor Vehicle Dealers for Legal Expenses Against the Manufacturer." (S. P. 544) (Approved by a Majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on Legal Affairs is suggested.

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down forthwith for concurrence.

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

Senator HUBER: Mr. President, is the Senate in possession of L. D. 487?

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

Senator HUBER: Mr. President, I move reconsideration of this bill's passage and would like to speak to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Huber, moves that the Senate reconsider its action whereby Bill "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Cer-

tain Expenses of the Public Utilities Commission." (H. P. 380) (L. D. 487)

Passed to be Engrossed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Mr. President, may I pose an Inquiry? The Senate accepted the Minority Committee Report "B". I would just like to pose a question through the Chair if I may to the Senator from Cumberland, as to the reason for his reconsideration request?

The PRESIDENT: The Senator from Penobscot, Senator Devoe, has posed a question through the Chair to the Senator from Cumberland, Senator Huber.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, I move reconsideration so that I may speak. I will then withdraw my reconsideration motion.

The PRESIDENT: The Senator has the floor.

Senator HUBER: Mr. President and Members of the Senate. I would just briefly like to point out that this bill, does in effect dedicate funds automatically for the use of the Public Utilities Commission, I myself have reservations on automatic funding of programs without consideration by the Legislature and I simply hope that people will think about the bill as it proceeds through the legislative process.

I think that funding of the various departments should receive continuous examination by the Legislature and simply wanted to highlight that aspect of this bill.

I request Leave to Withdraw my Reconsideration Motion.

The PRESIDENT: The Senator from Cumberland, Senator Huber, requests Leave of the Senate to Withdraw her motion to Reconsider Passage to be Engrossed.

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

It is a vote.

Senator Pray of Penobscot, was granted unanimous consent to address the Senate. Off the Record.

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

Senator CONLEY: Mr. President, is the Senate in possession of L. D. 80?

The PRESIDENT: The Chair would answer the Senator in the affirmative, the Bill having been held at the request of a Senator.

Senator CONLEY: Mr. President, I would move that the Senate Reconsider its action whereby the Senate Indefinitely Postponed this Bill.

The PRESIDENT: The Chair would advise the Senate in reference to Bill, "An Act to Establish a Uniform Allowance for Deputy Sheriffs." (H. P. 70) (L. D. 80)

The Senate Accepted the Ought Not to Pass Report of the Committee.

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

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