

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 18, 1979
Senate called to order by the President.

Prayer by the Honorable Gerard P. Conley of Portland.

Senator CONLEY: God grant us the serenity to accept the things that we cannot change, the courage to change the things that we can, and the wisdom to know the difference. Amen.

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

Order

On motion by Senator Pierce of Kennebec, ORDERED, the House concurring, notwithstanding the provisions of Joint Rule 21, all bills and resolves referred to committee shall be reported from committee by 5 p.m. on Friday, June 1, 1979.

(S. P. 563)

Name: (Pierce)

County: Kennebec

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Communications

COMMITTEE ON BUSINESS LEGISLATION
May 18, 1979

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of Theodore T. Briggs to the position of Superintendent of Insurance. After Public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS: Senators — 3
Representatives — 9

NAYS: Senators —
Representatives —

ABSENT: 1 Rep Brown

12 Members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Theodore T. Briggs to the position of Superintendent of Insurance be confirmed.

Sincerely,

JOHN D. CHAPMAN

Senate Chairman

ROBERT S. HOWE

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair recognizes the gentleman from Sagadahoc, Senator Chapman. Senator CHAPMAN: Mr. President and Members of the Senate: It is a pleasure to speaker before the Senate to recommend that the Senate support the vote of the Business Legislation Committee and confirm the nomination of Theodore T. Briggs, to the position of Superintendent of Insurance.

There were several proponents who spoke at the hearing in support of his nomination, there were no opponents.

This is a promotion from within the Department. Mr. Briggs having first started to work in 1961 in the capacity of a Schedule Rate Inspector. He has risen in the department to a number of positions, and has served as the

deputy superintendent of the department since 1973.

He is well respected by all aspects of those that he comes in contact with, the industry, the regulators, and the public, as being fair and firm. He has administrative and technical abilities that certainly well qualify him and I urge the Senate to confirm his nomination.

The PRESIDENT: The Joint Standing Committee on Business Legislation has recommended that the nomination of Theodore T. Briggs be confirmed.

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

A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — None

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Farley, Gill, Huber, Lovell, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Shute, Silverman, Teague, Traf-ton, Trotzky, Sewall.

ABSENT — Danton, Hichens, Katz, Redmond, Sutton, Usher.

No Senators having voted in the affirmative and 27 Senators in the negative, with 6 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Theodore T. Briggs is confirmed.

COMMUNICATION

May 18, 1979

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of Barbara Reid Alexander to the position of Superintendent of Bureau of Consumer Protection.

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

YEAS: Senators — 3
Representatives — 9

NAYS: Senators — 0
Representatives — 0

ABSENT: 1 Rep. Brown

12 Members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Barbara Reid Alexander to the position of Superintendent of Bureau of Consumer Protection be confirmed.

Sincerely,

JOHN D. CHAPMAN

Senate Chairman

ROBERT S. HOWE

House Chairman

Which was Read and Ordered Placed on File.

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

Senator CHAPMAN: Mr. President and Members of the Senate: Satisfying the desire of many to see more qualified females in positions of responsibility in State Government, I

can assure you that Barbara Alexander will fill this Bill.

Again there were several proponents who spoke on behalf of her nomination and no opponents.

She is a practicing attorney, and has demonstrated an ability to think clearly and to use sound judgement in her activities. She has the ability to grasp matters quickly, she has been effectively active in conservation and environmental matters, and has written on these subjects.

It was brought out at the hearing that she was respected as a fair person with a desire to address the position of the Superintendent of the Bureau of Consumer Protection in a positive and constructive manner. I would urge the Senate to approve this nomination.

The PRESIDENT: The Joint Standing Committee on Business Legislation has recommended that the nomination of Barbara Reid Alexander be confirmed.

The pending question before the Senate is: Shall the recommendation on Business Legislation be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question? The Secretary will call the Roll.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — None

NAY — Ault, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Farley, Gill, Huber, Lovell, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Teague, Traf-ton, Trotzky, Sewall.

ABSENT — Carpenter, Danton, Hichens, Katz, Sutton, Usher.

No Senators having voted in the affirmative and 28 Senators in the negative and none being less than two-thirds of the members present it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Barbara Reid Alexander is confirmed.

(Off Record Remarks)

Reading of the Journal of yesterday.

**Papers from the House
Joint Orders**

Expressions of Legislative Sentiment recognizing that:

Leo Murphy, President of Plummers Funeral Home, Inc., the recipient of the Calumet Club's Outstanding Citizen Award for 1979 (H. P. 1413)

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

Gerard P. Conley, Portland's most "electable" citizen is retiring from service on the Portland City Council after 9 years (H. P. 1414)

Which was Read.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate. It is rarely on occasion that we get a chance to express Legislative Sentiment to one of our colleagues an expression of support and love from the people who send him here, with a joint order. I think today in consideration of the large family of the Senate, and I am sure that down the road many many years to come that there will be many great grandchildren who would like to know how his colleagues fell about him and their concerns for him, so Mr. President I would request a Roll Call on this order.

The PRESIDENT: A Roll Call has been requested.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would fear very much to have a Roll Call on this particular resolution. I would just say this in all honesty, the order is wrong to start with I have been there almost 9½ years, and it seems to me that I have been there about 38 years. The meetings that we have in Portland are not the customary town meeting that last maybe 2 to 2½ hours, we meet quite frequently in the city and there are generally some very long donnybrooks, but I must openly confess that I have more than enjoyed my tenure on the Portland City Council. I say it with great pride and I hope that nobody up North is offended but I say it. I have the greatest affection not only for the City, but for its people. Although I love the people of the City of Portland I have actually as much affection for those who live North of us all the way to Fort Kent and South of us to Kittery.

(Off Record Remarks)

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

Will all those Senators in favor of ordering a Roll Call, please rise in their places to be counted.

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

The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, and Ladies and Gentlemen of the Senate. As a Legislator from Northern Maine even North of Fort Kent, Jerry Conley, we all love you.

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

Senator CONLEY: Mr. President under Joint Rule 38 in the appearance of a conflict of interest on this order, I ask the Senate to be excused from voting.

The PRESIDENT: The Senator of Cumberland, Senator Conley, requests leave of the Senate to refrain from voting on this issue.

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

The Chair will order a Division.

Will all those Senators in favor of granting the Senator Leave to Withdraw from voting on this issue, 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 25 Senators in the negative does not prevail.

Senator Pierce of Kennebec, was granted unanimous consent to address the Senate, off the Record.

The PRESIDENT: The pending question before the Senate is Passage of Joint Order (H. P. 1414).

A Yes vote will be in favor of Passage of H. P. 1414.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Sewall.

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

ABSENT — Danton, Hichens, Katz, Sutton, Usher.

A Roll Call was had.

1 Senator having voted in the affirmative and 27 Senators in the Negative, with 5 Senators being absent, the Joint Order, Failed of Passage.

COMMITTEE ON AGING, RETIREMENT AND VETERANS

May 16, 1979

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine 04333

Dear President Sewall:

The Committee on Aging, Retirement and Veterans is pleased to report that it has completed all business placed before it by the First Regular Session of the 109th Maine State Legislature.

Total Bills Received	51
Unanimous Reports	40
Leave to Withdraw	19
Ought to Pass	10
Ought to Pass as Amended	10
Ought Not to Pass	1
Divided Reports	11

Respectfully,

Senator RALPH M. LOVELL
Senate Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Chair would like to congratulate the Senator and his Committee for having accomplished the mission of which they were assigned, certainly they have done an outstanding job. The Chair is very pleased to get this first report on a completion of the winter's business. I would ask the Senator to rise and accept the greetings of the Senate for a job well done.

Order

On motion by Senator Minkowsky of Androscoggin,

WHEREAS, several counties are unable to incarcerate any prisoners in there jail, and must send them to be incarcerated in the jails of other counties; and

WHEREAS, other counties frequently are required to incarcerate their prisoners in the jails of other counties because of limited capacity of their own jails and for other reasons; and

WHEREAS, the necessity for counties to incarcerate their prisoners in jails of other counties is likely to continue and increase over the next several years, due to the condition of many jails, the requirements of federal court decisions and for other reasons; and

WHEREAS, the costs to the counties involved are significant, and vary greatly from county to county; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Audit and Program Review shall study the costs charged for incarcerating the prisoners of other counties, including at a minimum the following: The pricing and other policies of each county for the incarceration; the actual costs to each county for the incarceration; and the feasibility of establishing prices related closely to costs, including marginal cost pricing; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the 2nd regular session of the 108th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it

is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

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

(S. P. 562)

Which was Read.

On Motion by Senator Conley of Cumberland, Tabled pending Passage.

Committee Reports

House

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

Bill, "An Act to Prevent Game Wardens from Trapping in the Area in Which They Work." (H. P. 699) (L. D. 876)

Bill, "An Act Establishing a Procedure Under the Education Statutes for Withdrawal of a Municipality From a Vocational Region." (H. P. 945) (L. D. 1180)

Bill, "An Act to Increase Legislators' Salaries to Eventually Equal the Minimum Wage." (H. P. 1047) (L. D. 1300)

Leave to Withdraw

The Committee on Energy and Natural Resources on, Bill, "An Act to Require the Office of Energy Resources to Annually Submit to the Governor and the Legislature the Current State Energy Plan and Policy." (H. P. 796) (L. D. 1003)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Compensate Police Officers for Testifying during Off Duty Hours." (H. P. 339) (L. D. 438)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Increase the Penalty for Acquiring Drugs by Deception." (H. P. 415) (L. D. 530)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Concerning Family Violence." (H. P. 665) (L. D. 825)

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 Provide Civil Service Status for all Deputy Sheriffs of the Several Counties." (H. P. 829) (L. C. 1030)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Relating to the Reasonableness of Nongroup Rates Utilized by Health Insurance Companies and Nonprofit Hospital and Medical Service Organizations." (H. P. 1181) (L. D. 1456)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Provide a Mandatory Fine of \$250 for Persons Convicted of Operating a Motor Vehicle under the Influence of Alcohol or Drugs." (H. P. 1257) (L. D. 1513)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and

Accepted.

The Committee on Judiciary on, Bill, "An Act to Incorporate the Common Law Doctrine on Charitable Immunity into Statute and to Study the Policy of that Immunity." (H. P. 561) (L. D. 708)

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 Labor on, Bill, "An Act to Exclude Chainsaw and Skidder Allowances in the Computation of an Employee's Average Weekly Wage Under the Workers' Compensation Act." (H. P. 1259) (L. D. 1507)

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 Concerning Traditional Methods of Construction Under the Manufactured Housing Statutes." (H. P. 724) (L. D. 911)

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 Relating to the Powers of Hospital and Medical Service Organizations." (H. P. 806) (L. D. 1009)

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 to Clarify the Interstate Corrections Compact." (H. P. 1167) (L. D. 1435)

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 Amend the Split Sentencing Provisions of the Criminal Code." (H. P. 1130) (L. D. 1399)

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 Energy and Natural Resources on, Bill, "An Act to Enable Delegation of the Prevention of Significant Deterioration of Air Quality Program" (H. P. 1207) (L. D. 1540)

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Allow Approved Conservation Plans to Satisfy the Requirements of the Water Pollution Abatement Licensing Program." (H. P. 1185) (L. D. 1458)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-427).

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

The Committee on Judiciary on, Bill, "An Act Concerning Detentions, Public Proceedings and Recording Requirements under the Juvenile Code." (H. P. 1144) (L. D. 1406)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-433)

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 Energy and Natural Resources on, Bill, "An Act to Make Substantive Changes in the Forestry Statutes." (H. P. 1126) (L. D. 1396)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-428)

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

Which Report was Read.

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

The Committee on Taxation on, Bill, "An Act to Establish Standard Assessment Procedures for the Tax Laws." (H. P. 1067) (L. D. 1348)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-431)

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

The Committee on Education on, Bill, "An Act to Update the Insured Value Factor in the Computation of Legal Tuition Fees under the Education Statutes." (H. P. 732) (L. D. 919)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-441).

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

The Committee on Transportation on, Bill, "An Act to Provide Moneys for Snow Removal at Private Airports Open to the Public." (H. P. 1043) (L. D. 1194)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-440).

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 Fisheries and Wildlife on, Bill, "An Act Concerning Licenses Issued by the Department of Inland Fisheries and Wildlife." (H. P. 270) (L. D. 344)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-438).

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" Read.

On Motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Adoption of Committee Amendment "A".

The Committee on Transportation on, Bill, "An Act Concerning the Categories of 'Horseless Carriage' and 'Antique Motor Car' under Motor Vehicle Statutes." (H. P. 635) (L. D. 786)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-439).

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

Which Report was Read and 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 State Gov-

ernment on, Bill, "An Act to Establish a State Bank to Encourage and Promote the Development of Agriculture, Commerce and Industry." (H. P. 1150) (L. D. 1519)

Reported that the same Ought Not to Pass.

Signed:

Senators:

AULT of Kennebec
SUTTON of Oxford
MARTIN of Aroostook

Representatives:

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

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

Signed:

Representatives:

REEVES of Pittston
BARRY of Fort Kent

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

Which Reports were Read.

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

Senator AULT: Mr. President, I move the Senate Accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate, I am not going to oppose the Motion that was made, but I have done a great deal of reading lately in a number of magazines that we as legislators receive and there has been a number of articles on State Banks that have been formed, for example up in North Dakota and a number of other governmental organizations which have for purposes of promoting development have formed together basically a banking industry or a bank for itself. What I would like to have is ask a question to the Chair to somebody on the Committee if they could briefly explain as to why the committee felt so strongly at this time in opposition to stepping forward in that direction?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair, to any member of the State Government Committee who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: I believe that the thinking of the Committee was that the State of Maine shouldn't get into the banking business. I would remark briefly to the fact that there is such a bank I believe in South Dakota, and the only reason that it is solvent is that they struck oil on the land that the bank was situated on.

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

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, traditionally and historically bills of this nature have been referred to the Committee on Business Legislation. The Committee on Business Legislation has historically and traditionally reported duplicate action of Ought Not to Pass. Suffice to say, Members of the Senate, that Maine's Financial Institutions are indeed encouraging and promoting the development of Agriculture, Commerce, and Industry in our State and indeed, we do not need to go into the Banking Business.

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

Senator CARPENTER: Mr. President and

Ladies and Gentlemen of the Senate. I was first approached on this issue some years ago when I was in the other Body, by a friend of mine at home, who is probably without question one of my most conservative constituents. I was a little bit leary of the whole idea and we sat and talked about it sometimes and read some literature on what this bank in the Dakota's which ever North or South has been able to do.

I believe that there are many other reasons why this bank is very solvent today, other than the fact, and I wasn't aware that they had struck oil on the property. I don't think that this is a bad piece of legislation at all. I think it could become a very competitive piece of legislation with our own banks. I just heard the Senator from Cumberland, Senator Clark, say that our own banking institutions in the State were very actively involved in the farming business, and other businesses.

Up my way, and I speak hopefully, a representative of a lot of farmers, very few banks nowadays are getting involved in loans to farmers and whatnot. The interest rate is too high, and the Farmers Home Administration has pretty well picked up that burden. So I certainly would like to see the Senate this afternoon give this bill a favorable first reading. Maybe if there are some objections by some of the banking institutions in the State and I can certainly see where they would be objecting to a State Bank, but all I look at is what North Dakota has done with its bank. Not only what they have done, but what the Cash on Hand figures are today.

The President of the National Bank of North Dakota, or whatever it's called the State Bank of North Dakota, flew here to testify in favor of this bill. You know, I thought that was pretty remarkable. Granted it is a state run institution, but what they have been able to do with it out there, I don't have the figures right in front of me, is pretty phenomenal. I would oppose very much the pending motion. Mr. President, I would ask for the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

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

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

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

The pending question before the Senate is the Motion by the Senate from Kennebec, Senator Ault, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of accepting the 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, Clark, Collins, Devoe, Emerson, Farley, Gill, Huber, Lovell, Martin, McBreaity, Minkowsky, Pierce, Pray, Redmond, Shute, Silverman, Teague, Trafton, Trotzky

NAY — Carpenter, Conley, Cote, Najarian, O'Leary

ABSENT — Danton, Hichens, Katz, Perkins, Sutton, Usher

A Roll Call was had.

Senator Cote was granted permission to change his vote from Nay to Yea.

22 Senators having voted in the affirmative and 4 Senators in the negative, with 6 Senators being absent, the Motion to Accept the Ought Not to Pass report in concurrence, does prevail.

(Off Record Remarks)

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

the Record.

On motion by Senator Clark of Cumberland, the Senate Suspended Joint Rule 39 for today's session only.

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

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

Senator PRAY: In reference to H. P. 1414, having voted on the prevailing side, I move reconsideration.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the Senate reconsider its action whereby Expression of Legislative Sentiment recognizing that: Gerard P. Conley, Portland's most "electable" citizen, is retiring from service on the Portland City Council after 9 years (H. P. 1414) failed of passage.

The Chair will order a Division.

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

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

23 Senators having voted in the affirmative, and 2 Senators in the negative, the Motion to Reconsider does prevail.

The Joint Order Passed, in concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Limit Abortions in the Second and Third Trimesters to Certain Specified Situations." (H. P. 865) (L. D. 1061)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Abortions" (H. P. 1394) (L. D. 1612).

Signed:

Sensor:

DEVOE of Penobscot

Representatives:

SIMON of Lewiston

STETSON of Wiscasset

JOYCE of Portland

SILSBY of Ellsworth

CARRIER of Westbrook

GRAY of Rockland

LAFFIN of Westbrook

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-413).

Signed:

Sensors:

COLLINS of Knox

TRAFTON of Androscoggin

Representatives:

HOBBINS of Saco

SEWALL of Newcastle

HUGHES of Auburn

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

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Establish a Mandatory \$200 Fine for any Minor Convicted of Illegally Purchasing Alcoholic Beverages." (H. P. 27) (L. D. 44)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

COLLINS of Knox

DEVOE of Penobscot

TRAFTON of Androscoggin

Representatives:

SEWALL of Newcastle

SILSBY of Ellsworth

STETSON of Wiscasset

SIMON of Lewiston

HUGHES of Auburn

HOBBINS of Saco

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

Signed:

Representatives:

JOYCE of Portland

LAFFIN of Westbrook

CARRIER of Westbrook

GRAY of Rockland

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.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Concerning Arbitration Involving Municipal Fire and Police Departments." (H. P. 1191) (L. D. 1463)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-415).

Signed:

Sensor:

PRAY of Penobscot

Representatives:

TUTTLE of Sanford

BAKER of Portland

BEAULIEU of Portland

McHENRY of Madawaska

WYMAN of Pittsfield

MARTIN of Brunswick

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

Signed:

Sensors:

SUTTON of Oxford

LOVELL of York

Representatives:

DEXTER of Kingfield

FILLMORE of Freeport

LEWIS of Auburn

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" as amended by House Amendment "A" Thereto (H-444).

Which Reports were Read.

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

Senate

Ought to Pass — As Amended

Senator Perkins for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Expand the State's Program to Promote Apprenticeships." (S. P. 354) (L. D. 1102)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-199).

Senator Emerson for the Committee on Transportation on, Bill, "An Act Concerning Gas Tax Refunds." (S. P. 150) (L. D. 327)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-200).

Senator Minkowsky for the Committee on Education on, Bill, "An Act to Amend the Statutes Governing Vocational Regions." (S. P. 402) (L. D. 1266)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-202).

Which Reports were Read and Accepted and the Bills Read once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Aging, Re-

tirement and Veterans on, Bill, "An Act to Establish Special Retirement Provisions for CETA Employees." (S. P. 268) (L. D. 809)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-201).

Signed:
Senators

LOVELL of York
TEAGUE of Somerset
SILVERMAN of Washington

Representatives:

REEVES of Newport
STUDLEY of Berwick
LOWE of Winterport
THERIAULT of Rumford
HICKEY of Augusta
DELLERT of Gardiner
NELSON of Portland
CHURCHILL of Orland
HANSON of Kennebunkport

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

Signed:

Representative:

PAUL of Sanford

Which Reports were Read.

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

Senator LOVELL: Mr. President, and Ladies and Gentlemen of the Senate. This was our last bill, it doesn't cost the State anything, it was presented by the very fine Senator from Cumberland, Senator Clark, so that is why we have such a fine report, and I would move that we accept the Ought to Pass Report, as amended.

On Motion by Senator Lovell of York, the Ought to Pass, as amended, Report of the Committee, Accepted, and the Bill Read Once, Committee Amendment "A" Read and Adopted. The Bill, as amended, Tomorrow Assigned for the Second Reading.

Second Readers

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

House

Bill, "An Act Concerning Reimbursement for Health Care Services in Certified Rural Health Clinics." (H. P. 700) (L. D. 890)

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

Senator NAJARIAN: Mr. President, I now offer Senate Amendment "A" to L. D. 890, under Filing Number S-208 and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, now offers Senate Amendment "A" to L. D. 890, and moves its opinion.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: Mr. President and Members of the Senate: This Senate Amendment merely removes 3 sections of the Bill that were considered to be unnecessary.

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

Sent down for concurrence.

House — As Amended

Bill, "An Act to Clarify the Authority of the Public Utilities Commission in the Enforcement of Rebate Orders." (H. P. 1149) (L. D. 1416)

Bill, "An Act to Encourage the Maine State Museum Commission to Acquire Works of Art Beneficial to the State." (H. P. 1171) (L. D. 1454)

Bill, "An Act Relating to the Protection of Underground Facilities." (H. P. 638) (L. D. 1036)

Bill, "An Act to Establish a Committee to Report to the Legislature on the Feasibility of Rebuilding Dams for the Production of Electricity." (H. P. 1194) (L. D. 1461)

Bill, "An Act to Convert Wallagrass Planta-

tion into the Town of Wallagrass." (H. P. 832) (L. D. 1039).

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

Bill, "An Act to Provide Help to Small Businesses in Dealing with State Statutory and Regulatory Requirements." (H. P. 263) (L. D. 339)

Which was Read a Second Time.

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

Senator REDMOND: Mr. President, I'd pose a question through the Chair, in L. D. 339, An Act to Provide Help to Small Businesses in Dealing with State Statutory and Regulatory Requirements, where's that office going to be located? Could I pose the question to some member of the Committee?

The PRESIDENT: The Senator from Somerset, Senator Redmond, has posed a question through the Chair to any Member of the Business Legislation Committee, who may answer if he or she so desires.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: L. D. 339 was a bill that is one of 2 bills that almost were identical. The second bill was one that I introduced myself early in the session. I introduced it in response to concerns that came to me of businessmen, people who wanted to get into business, finding it difficult to get information on just what laws they had to comply with, what licensing requirements were necessary, where to go to get the information? Having gone to some sources later finding out that they didn't get all the information and there was other information that they should have had and were in non-compliance with some of the laws that we have here in Augusta.

This bill was heard in the hearing and the Commissioner of the Department of Business Regulation appeared in support of this bill. He also expressed the Governor's support of this bill. It's an attempt to help or assist small business people to comply with Government Regulations.

The Department now receives voluminous calls and letters asking these questions, so do other departments, the Secretary of State's Office, and many of the departments receive these calls and requests. What do they have to do to comply with this or that if they want to be a store owner, or electrician or plumber or some member of a profession? What licenses? What regulations apply? What other bureaus or departments do I contact?

There is no coordinated effort in this State structure to make available this information or to refer people to different areas to get the information. This is an attempt to place informational and directional responsibility in one place. I emphasize information only. Just where do I go to get various answer. It is anticipated that information sheets could perhaps be made available for different types of activities to direct people to then go to the departments for the various areas to get these answers.

This is not an attempt to set up a new department with a whole bunch of experts. It is largely clerical, and organizational. I have talked with the new commissioner and he concurs that this is definitely not a foot-in-the-door type of activity. It is actually an effort to consolidate some of the activities that he already has to contend with. I've seen a file that's about as big as my hand can stretch, full of letters addressing these types of questions which are in no way being addressed effectively at the present time.

I am a member of the National Federation of Independent Business. They have almost 5,000 members in the State of Maine. They annually conduct a survey of different questions to see what the interests are and concerns are of the membership. They posed, last year, this ques-

tion. Should an existing government office be specifically charged with the responsibility of assisting small business in dealing with local or state governments? 63% responded Yes; 25% No; 12% had no opinion.

The amendment to the bill is actually the bill. I would stress the Statement of Fact which says "this is an attempt to aid the Maine's Small Business, to comply with the applicable State Statutes and Regulations." We do pretty well with passing a lot of Statutes and Regulations, but we don't have that much concern at times to making it easy for this information to be made available to those who have to comply with them.

I feel this is little bit to assist small businesses to more easily know about the regulations and to help them to lawfully comply with. I would urge the Senate to give this bill a Second Reading.

On motion by Senator Redmond of Somerset, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Bill, "An Act to Increase the Dollar Amount of an Accident that Must be Reported from \$200 to \$500." (H. P. 636) (L. D. 787)

Which was Read a Second Time.

On motion by Senator Emerson of Penobscot, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain and Protect the Integrity of the Maine State Retirement System. (H. P. 780) (L. D. 973)

Which was Read a Second Time.

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

Senator COLLINS: Mr. President, I will not make a Parliamentary move today on L. D. 973, but I wanted to call it to the attention of the Senate. This is essentially the same constitutional amendment that the Senate defeated in the 108th Legislature. I shall be opposing it on Final Enactment, when it will require, of course, a 2/3's vote. I would ask the Senators to take note of this item and to give it some careful thought because it says in effect, we don't trust the Legislature to do its job responsibly. Therefore, we're going to take away from the Legislature some of its power, and some of its responsibility. I think we ought to search our souls very carefully before we do anything like that. Thank you, Mr. President.

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

(Off Record Remarks)

Bill, "An act to Permit Nonprofit Legal Service Organizations." (H. P. 642) (L. D. 797)

Which was Read a Second time.

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

Senator COLLINS: Mr. President, yesterday I promised the good Senator from Cumberland, Senator Clark, that I would offer an amendment to this Bill. In order to do so, I now move that we reconsider our adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the Senate reconsider its action whereby it adopted committee Amendment "A".

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" under Filing Number S-205 and move its Adoption.

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

Senate Amendment "A" Read and Adopted.

Committee Amendment "A" as amended, adopted, in non-concurrence.

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

Senator CLARK: Mr. President, I move that this bill and all its accompanying papers be indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark, moves the indefinite Postponement of LD797.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I would ask for a Division on this matter. It was quite fully debated yesterday. The objection to it that was raised by the good Senator, I think is removed by the amendment now placed on the bill, that makes it clear that the type of legal service plan that is now in operation in the Maine Teacher's Association can continue to operate, as it has in the past, without any interference from this particular act.

I submit that this is useful, permissive Legislation and the fact that the Maine Teachers Association thinks well of that general idea and general type of approach to Group Legal Services really ought to be a good recommendation for it, as was suggested yesterday by the Senator from Washington, Senator Silverman. I would urge you to vote against the Motion by the Senator from Cumberland, Senator Clark.

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

Senator NAJARIAN: Thank you, Mr. President. Mr. President, and members of the Senate, the concerns that I had about this bill were not removed by the good Senator from Knox's amendment.

My concerns, as I said yesterday, are this and I'll be very brief. Representative Silverman spoke about his concern for the borderline poor and I certainly share his concerns, is not that the poor should not have access to Legal Services, coverage, because insurance coverage destroys every incentive to be cost conscious, both by the consumer of the services and the provider.

We have ample evidence today of that in the Health Insurance Field. Many people benefit excessively from this system who have no need for the benefits. That makes this approach unnecessarily costly. If we can't control the doctors, how in the world are we ever going to be able to control the lawyers? We need to start with the system that gives the providers and the consumers incentives to be cost conscious and not find ourselves several years later trying to regulate a system that is already in place. I certainly support the motion to Indefinitely Postpone.

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

Senator CONLEY: Mr. President and Members of the Senate: As to whether or not one agrees with prepaid legal services is one thing. But I believe when we start putting it under an insurance plan, then we get ourselves in deep, deep trouble. I'll give one example.

Today we have municipalities all over the state including state employees, who under the Collective Bargaining Law, are awarded various insurance plans, whether its health insurance or whether now if we adopt this procedure to getting ourselves into prepaid legal services. Let's say the City of Lewiston, for example, or the City of Portland, under a Collective Bargaining Statute with Firefighter, the Police, we award them a prepaid insurance plan for legal services. The taxpayers of the city of Lewiston, or Portland are the ones who are paying for those legal services. Now let's say that a member, or several members of that Firemen's Unit decide to sue the City of Lewiston or the City of Portland. Here we have a situation, now where the taxpayers themselves are paying legal services to be sued by a unit that they are paying their daily wages. It just makes it a little bit more complicated. It

should be very simple to understand. Therefore, I would support of the good Senator from Cumberland, Senator Clark.

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've listened to the good Senator from Cumberland, Senator Conley. He's raised an interesting point, but I would also mention to the Senators here today that Pine Tree Legal Services has been doing this very thing for several years. They've been suing either the State or large segments of the General Public or various Governmental entities to change things that needed changing.

If a court determined after the persistent efforts of Pine Tree that a change was warranted, it issued its order. Is the good Senator saying that because Pine Tree may do that, its all right, but for members of the general public, like the Firemen from Lewiston, or employees anywhere who might want to get in on this prepaid legal service that its not good for them?

I would think in order to be consistent that the good Senator would also propose that Pine Tree be prevented from doing what it has been doing today. I think he's not being consistent unless he does suggest that very thing. I'd also like to pose a question through the Chair if I may, Mr. President, to the good Senator from Cumberland, Senator Clark, to have her expand on her reasons for opposing this now that the amendment, which the good Senator from Knox has offered. Which in my recollection of the testimony, of the debate yesterday, was to answer the key objection or one of the key objections to this plan that was raised by the good Senator from Cumberland, Senator Clark. That amendment is now part of the bill. In my opinion, I thought and I see mistakenly now that when the amendment was offered, it might have tended to eliminate the objections to this bill that she had.

If she has other objections in addition to the ones that she raised yesterday, that was the fear whether closed places were going to be prohibited, perhaps she could tell the Members of the Senate what her additional objections are or if she is not in agreement with the Senator from Knox, Senator Collins, in the trust of the Amendment that just became part of the bill. Thank you, Mr. President.

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate. I'm very happy to respond to the inquiries of the Senator from Penobscot, Senator Devoe, and very grateful to that gentleman from the County of Knox, Senator Collins, for I do agree with the trust of his amendment, obviously, for I was among the vast majority that supported the attachment of that amendment to the Bill.

Probably it's my long experience on the Committee on Business Legislation, and our dealings with what we call in a friendly fashion, the 'Blues', and our relationship as a Committee with the Bureau of Insurance and the of Blue Cross and Blue Shield of Maine. My initial concern has been addressed by Senator Collins' Amendment. But my concern and my motion here today has been prompted and reflected in the remarks of my colleague from the County of Cumberland, Senator Najarian, for it's the concern of this Senator, that if we have difficulty in cost containment with the medical profession, then I think we're going to have an echo of that difficulty in cost containment from members of the legal fraternity.

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

Senator COLLINS: I would request a Roll

Call.

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

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

Senate

Bill, "An Act to Comply with the Federal Air Quality Standards in the Areas where the Air Quality Does not Presently Meet the Federal Standards." (S. P. 425) (L. D. 1316)

Bill, "An Act to Conform State Statutes to the Federal Food Stamp Program." (S. P. 541) (L. D. 1619)

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

Sent down for concurrence.

Bill, "An Act to Continue Medical Benefits to Employees Under Collective Bargaining Negotiations, Lockouts, Strikes and Other Job Actions." (S. P. 317) (L. D. 947)

Which was Read a Second Time.

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

Senator FARLEY: Mr. President and Members of the Senate, the Chairman of the Labor Committee is not present today, I would hope that someone would table this item for me for one day.

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

Bill, "An Act to Redistribute Responsibility for Enforcement of Laws Prohibiting Certain Unfair Trade Practices." (S. P. 413) (L. D. 1277)

Which was Read a Second Time.

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

Senator CLARK: Thank you, Mr. President. Mr. President and Members of the Senate. I present Senate Amendment "A" to L. D. 1277 under Filing Number S-203 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Clark, now offers Senate Amendment "A" to L. D. 1277, and moves it's adoption.

Senate Amendment "A" (S-203) Read and Adopted.

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

Senate — As Amended

Bill, "An Act to Allow Direct Purchase by Citizens of Certain Bonds." (S. P. 459) (L. D. 1373)

Bill, "An Act to Provide Reimbursement for Snow Removal on Accepted Ways." (S. P. 311) (L. D. 906)

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

Sent down for concurrence.

Enactors

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

An Act to Allow the Board of Environmental Protection to Regulate Activities Affecting Sand Dunes under the Alteration of Coastal Wetlands Program. (H. P. 1163) (L. D. 1466)

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)

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

On motion by Senator Huber of Cumberland, pending Enactment.

An Act to Prevent Cruelty to Animals by Es-

tablishing Certain Licensing Categories and Restrictions. (S. P. 206) (L. D. 538)

An Act to Amend the Maine Veterinary Practice Act of 1975. (H. P. 291) (L. D. 388)

An Act Protecting Security Deposits. (H. P. 1378) (L. D. 1603)

An Act Concerning State Highways and Parking on State Controlled Property. (H. P. 1109) (L. D. 1372)

An Act to Permit Juveniles in the Custody of the Department of Mental Health and Corrections to Receive Services from the Department of Human Services. (H. P. 560) (L. D. 707)

An Act Authorizing the Issuing of Ex Parte Orders by the Courts and Complaint Justices to Allow Human Agents and Other Authorized officers to take Possession of Neglected, Mistreated or Injured Animals. (H. P. 292) (L. D. 389)

An Act to Clarify Inconsistencies in the Liquor Laws. (S. P. 436) (L. D. 1367)

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 Relating to Gifts in Contemplation of Death. (H. P. 1145) (L. D. 1407)

On motion by Senator Devoe of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

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)

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

Orders of the Day Unfinished Business May 18, 1979

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

The President laid before the Senate the First Tabled and specially assigned matter for May 16:

Bill, "An Act to Amend the Law with Regard to the Diagnostic Laboratory of the Department of Human Services." (S. P. 406) (L. D. 1245)

Tabled — May 15, 1979 by Senator Pierce of Kennebec.

Pending — Consideration

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

Senator GILL: Mr. President, I move we Recede and Concur, with the House.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

The President laid before the Senate the Second Tabled and specially assigned matter for May 16:

HOUSE REPORT — From the Committee on Education — Bill, "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education." (H. P. 937) (L. D. 1147) Ought to Pass as amended by Committee Amendment "A" (H-353)

Tabled—May 15, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Report.

The Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence, and the Bill Read once. Committee Amendment "A" Read. House Amendment "A" Read.

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

Senator PIERCE: Mr. President, I now move the Indefinite Postponement of House

Amendment "A".

The PRESIDENT: I now move the Indefinite Postponement of House Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: It's my understanding that House Amendment "A" merely allows the Department of Human Services or someone to appoint more than a specific number of consumers to this committee, I'm wondering what the objection is to that?

The PRESIDENT: The Senator from Cumberland, Senator Najarian, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: The Advisory Committee on Medical Education right now is made up of 15 people. These people are very knowledgeable in the field of health care. They come from all professions. They're doctors, they're hospital administrators, and so on up and down the line. What the committee decided to do, unanimously was to add 5 members to the Advisory Committee, and these members would be consumers.

The Bill then left the Committee. An Amendment was put on in the House, which changed it from 5 members to at least 5 members, which means with that wording that the entire committee could end up being all consumers. So in the committee's wisdom they felt that 5 members should be added, not at least 5, because that means it could go all the way, consumer. You need people who are knowledgeable in the health care profession to be on an Advisory Committee for Medical Education. Therefore, I would support the motion to Indefinitely Postpone House Amendment "A".

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

Senator MINKOWSKY: Mr. President, I just happened to be glancing over here at this amendment. I think the amendment is in good form and should be part of that particular bill, it is very important that consumer representation be on that particular board. I would ask for a Division on the motion to Indefinitely Postpone House Amendment "A".

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone House Amendment "A", please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

Committee Amendment "A" Adopted, in non-concurrence.

The Bill, as amended, tomorrow assigned for Second Reading.

The President laid before the Senate the Third Tabled and specially assigned matter for May 16:

HOUSE REPORTS — From the Committee on Transportation — Bill, "An act to Provide that a Person's Picture shall Appear on His Driver's License and to Provide for a Photographic Identification for Nondrivers." (H. P. 940) (L. D. 1164) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled—May 15, 1979 by Senator Carpenter of Aroostook

Pending—Motion of Senator Pray of Penobscot to Accept Majority Ought Not to Pass Report.

The Majority Ought Not to Pass, Report of the Committee, Accepted, in non-concurrence. Sent down for concurrence.

The President laid before the Senate the

Fourth Tabled and specially assigned matter of May 16:

Bill, "An Act to Amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions." (H. P. 768) (L. D. 855)

Tabled—May 15, 1979 by Senator Gill of Cumberland.

Pending—Passage to be Engrossed.

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

The President laid before the Senate the fifth Tabled and specially assigned matter for May 16:

Bill, "An Act to Clarify Certain Provisions Relating to the Statistical Reporting of Abortions." (H. P. 545) (L. D. 676)

Tabled—May 15, 1979 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Senator COLLINS: Mr. President, this is the one bill with respect to abortions that I support. I want to offer an amendment to the Committee Amendment, so that the definition of abortion is the same in the bill as it is in the other bills that have been and will be before the Committee.

I, therefore, move reconsideration of our adoption of Committee Amendment "A" under suspension of the rules.

The PRESIDENT: The Senator from Knox, Senator Collins, moves the Senate reconsider its action whereby it adopted Committee Amendment "A" to L. D. 676, under suspension of the rules.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" under Filing S-160, and move its Adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-160) Read.

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

Senator MINKOWSKY: Mr. President, I'm sorry to keep jumping up like this, but I wish the good Senator from Knox would explain a little more clearly the rationale behind the amendment he is offering at the present time.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to the Senator from Knox, Senator Collins, who may answer if he so desires.

The Chair recognizes that Senator.

Senator COLLINS: Mr. President, the definition of abortion, in the Statistical Reporting Law that is already on the books and which we are slightly adapting by this bill before us, so that it will fit in with standardized reporting used all over the country, that's the basic thrust of it. The definition is a few words different from the definition that has been developed in the bill that is on the table concerning abortions after viability, and the definitions that appear in the other bills. It's a matter of a very few words, I don't have them on the tip of my tongue.

The point is that if we have 2 different definitions of abortion in the statutes, and anyone of these other items should pass, that it would give the courts one more problem in trying to decide what was intended. That's the only purpose I have.

Senate Amendment "A" Adopted.

Committee Amendment "A" as amended Adopted, in non-concurrence.

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

Sent down for concurrence.

The President laid before the Senate the Sixth Tabled and specially assigned matter for May 16:

Bill, "An Act to Insure Parental Participation in a Minor's Decision to have an Abortion" (S. P. 200) (L. D. 604)

Tabled — May 15, 1979 by Senator Pierce of Kennebec.

Pending — Passage to be Engrossed.

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

Senator TROTZKY: Mr. President, I move the Senate Suspend its rules.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves the Senate Suspend its Rules.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I move the Senate reconsider its action whereby it adopted Committee Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves the Senate reconsider its action whereby it adopted Committee Amendment "A".

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I would pose a question through the Chair to the good Senator from Penobscot, as for what reason he wishes to reconsider Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to the Senator from Penobscot, Senator Trotzky, who may answer if he so desires.

The Chair recognizes that Senator.

Senator TROTZKY: Mr. President, and members of the Senate. I asked reconsideration whereby the Senate Adopted Committee Amendment "A" so to present Senate Amendment "B" under Filing Number S-209.

On motion by Senator Conley of Cumberland, tabled until later in today's session, pending the Motion to Reconsider.

The President laid before the Senate the Seventh Tabled and specially assigned matter for May 16:

Bill, "An Act to Correct Obsolete References in Title 30 of the Maine Revised Statutes and to Make County Policies Concerning Pay Schedules, Vacation and Sick Leave Consistent with State Policies." (S. P. 307) (L. D. 903)

Tabled — May 15, 1979 by Senator Redmond of Somerset.

Pending — Passage to be Engrossed.

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

The President laid before the Senate the Eighth Tabled and specially assigned matter for May 16:

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

Tabled — May 15, 1979 by Senator Katz of Kennebec.

Pending — Enactment.

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

The President laid before the Senate the Ninth Tabled and specially assigned matter for May 16:

Bill, "An Act to Improve Local and Government Investment Opportunities." (S. P. 449) (L. D. 1364)

Tabled — May 15, 1979 by Senator Sutton of

Oxford.

Pending — Passage to be Engrossed.

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

The President laid before the Senate the Tenth Tabled and specially assigned matter for May 16:

Bill, "An Act to Increase Merchandising in State Liquor Stores." (S. P. 433) (L. D. 1335)

Tabled — May 15, 1979 by Senator Farley of York.

Pending — Enactment.

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

The President laid before the Senate the Eleventh Tabled and specially assigned matter for May 16:

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

Tabled — May 15, 1979 by Senator Pray of Penobscot.

Pending — Consideration.

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

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate: As you will recall this was the bill that I had some discussions on earlier and Indefinitely Postponed here in the Senate a few days ago. I have since then been persuaded by many of those who have other programs which are underfunded on the Appropriations Table and while I have no problem at all with the validity of the program and its effectiveness, I did question that the sincerity or the real logic in putting more items to the test of underfunding when we are now funding AFDC at only 95% of 1969 levels. We are underfunding Mental Health and Day Care and Boarding Homes and the list could go on and on.

But having no objections really to the real goodness of the program it may create, and yielding to those who feel that they would like this to join their other please. I have only one other problem and that is of those communities who joined 4 years ago in this program and accepted the challenge and said they indeed would with some seed money provide their own programs for Dental Health Education.

This problem would be that those who in their sincerity did fund these programs now find that those who did not pick up the ball, are still going to get more moneys. So if someone would be kind enough to table this, I will offer an amendment in the future that will sunset this piece of Legislation after 2 years. Then we will again look at it and see if the communities have indeed taken the care and have funded their programs.

On motion by Senator Minkowsky of Androscoggin, Retabled for 1 Legislative Day.

The President laid before the Senate the First Tabled and specially assigned matter for May 17:

Bill, "An Act to Require County Budgets from the Legislature to the Counties." (H. P. 1412) (L. D. 1618)

Tabled—May 16, 1979 by Senator Katz of Kennebec.

Pending—Reference.

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

(Senate at Ease)

The Senate called to order by the President.

The President laid before the Senate the First Tabled and specially assigned matter for later in the day for May 17:

HOUSE REPORTS — From the Committee on Public Utilities — Bill, "An Act to Prohibit

rate Discrimination by Public Utilities." (H. P. 837) (L. D. 1041) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-384)

Tabled—Earlier in the day by Senator Katz of Kennebec.

Pending—Acceptance of Minority Report.

The Minority 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. The Bill, as amended, tomorrow Assigned for Second Reading.

The President laid before the Senate the Second Tabled and specially assigned matter for later in the day for May 17:

HOUSE REPORTS — from the Committee on Public Utilities — Bill, "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill." (H. P. 1193) (L. D. 1444) Report A — Ought to Pass as Amended by Committee Amendment "A" (H-383) Report B — Ought Not to Pass

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

Pending—Motion of Senator Devoe of Penobscot to Accept Report B.

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

Senator TRAFTON: I would ask for a Roll Call on this motion. I would ask you to oppose the pending motion. If your constituents are similar to my constituents there probably has been no singular issue that has concerned them more than the \$5.70 per month electrical charge from Central Maine Power Company.

We've had an extensive hearing on this to try and examine whether or not this is a justified charge, and the information presented at the hearing, I think demonstrated that it is not a justified charge.

\$5.70 per month for residential customers does bring \$22.6 million per year. The total customer accounting, collecting, billing and meter reading expenses for CMP for 1978 were \$6.2 million. Now the PUC operating under the assumption that distribution charges should be added into that, came up with a figure of \$5.70. But in fact, when you add in the distribution charges, which is \$12,400,000, the total only comes to \$18.6 million. That still doesn't add up to \$22.6 million which they are now collecting with the \$5.70 charge.

Report "B" would make a customer charge of \$3.75 per month. Now that's not an arbitrary figure. That's approximately what the PUC said is the customer cost once the so-called minimum transition facilities are subtracted from the \$5.70 charge.

I've handed out for the Senate's consideration some information on L. D. 1444. In that I compared the kilowatt used, the electrical bill for the kilowatt used under the \$5.70 charge and under the \$3.75 charge. 87% of CMP's customers use less than 550 kilowatt hours. You can see that with the reduction in the utility bills for those individuals. I would hasten to add that we're not talking about the utilities losing any money. We're talking about how their going to collect it.

The utilities did not oppose this bill. It's our contention in the Report "B", that this is a much more logical way to collect the money. It's an energy conservation statement. It means that the more energy people use the more they pay, the less that they use the less they pay.

The higher that the customer service charge is the less incentive there is of conservation of energy. I think that it is appropriate at this time to remind the Public Utilities Commission that in fact the Legislature is the policy making body and that we prefer in the utility rate structure an energy conservation policy to

be initiated, thank you.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you very much, Mr. President. Members of the Senate. There are two parts to this Bill, to the committee amendment "A" which has a filing number of 383, and if you have it I would appreciate your taking a look at it. Section 96 as set up on the amendment will make the legislature the rate maker.

We have a Public Utilities Commission, and we have a fairly large staff that over the years who have over the years developed quite an expertise in the making of rates.

All the comments that have been directed to the monthly service charge makes it appear that Central Maine Power services the entire State of Maine, that is not true. There are two other large publicly owned utilities companies, Bangor Hydro, and Maine Public Service. Bangor Hydro has a monthly service charge of \$4.30. I do not think there has been any great out-cry about that. I do not know there has been any great out-cry about the monthly service charge that may be assessed upon Maine Public Service Company bills, so let's just keep that fact in mind.

All the comments that the Senator from Androscoggin, Senator Trafton, made has been directed to Central Maine Power, monthly service charge.

When they had the rate case hearing, Central Maine asked for an increase from \$3.60 to \$4.00 and the commission said to the power company "tell us what your costs are. What are some of the costs that go into making the monthly service charge? Let's consider them. Meter reading, and billing, maintenance of meters, poles and lines, customer services, depreciation, taxes, and a return on the investment in meters, poles, and lines. Now the total Central Maine Power Company investment in meters, poles, and lines in 1977 amounted to \$47,000,000.

Now when these figures were presented by the Company, to the Commission, the Commission said if that is what it costs on a monthly basis, for you to be ready to provide a kilowatt hour of power to any customer who wants it, that is what the service charge will be.

To do anything less, members of this Senate would in effect be driving up the kilowatt hour per cost, because as the Senator from Androscoggin noted, it is not involving a loss of revenue. The company is going to collect its money, because it will get its rate of return, as decreed by the commission. The question is are you going to kid everyone by saying that the monthly service because the Legislature says it amounts to \$3.75 that that in effect is what it costs. Now that may be the popular thing to do. I submit it is the good thing to do, because we here in the legislature are going to get into the rate making business. I submit that we are not qualified to do it.

Let's consider another aspect of Committee Amendment "A" in addition to adjusting downward by \$1.95 from the present Central Maine Power Company service charge. There is a family farm rate established. The legislature is going to tell the Public Utilities Commission to establish a family farm rate. It says that the family farm rate shall be a flat per kilowatt hour rate, equal to the per kilowatt hour rate of the average residential customer, as determined by the commission according to mean residential kilowatt hour usage. Any change in the computation of the minimum monthly customer charge which increases the per kilowatt hour rate to residential customers shall not apply to the family farm rate. We are going to be subsidizing farms.

If the Legislature does this it is going to open the door to churches coming in and asking for a minimum church rate, granges are going to be coming in for a grange rate. Legion Halls. We may even get application from slot machine

charities, for slot machine charity rates. Also those hundreds and hundreds, and thousands of camps that now get electrical services, which during the winter months perhaps do not use much if any electricity will at last be paying their own way. The residential customers in the city of all income brackets will no longer be subsidizing those who own camps.

These are some considerations, members of the Senate, that I would like to leave with you this afternoon as you ponder which way to go on the. It is for these reasons that I urge you to support the pending motion which is to accept Committee Report "B". Thank you very much.

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 a Motion by the Senator from Penobscot, Senator Devoe that the Senate Accept the Ought Not to Pass report "B" of the Committee.

A Yes vote will be in favor of Accepting Report "B".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, Devoe, Emerson, Farley, Gill, Huber, Lovell, McBrair, Perkins, Pierce, Redmond, Teague, Trotzky

NAY — Ault, Carpenter, Clark, Conley, Cote, Martin, Najarian, O'Leary, Pray, Shute, Silverman, Trafton

ABSENT — Danton, Hichens, Katz, Min-kowsky, Sutton, Usher

A Roll Call was had.

14 Senators having voted in the affirmative and 12 Senators in the negative, with 6 Senators being absent, the Motion to Accept the Ought Not to Pass Report "B" of the Committee, in non-concurrence does prevail.

On Motion by Senator Conley of Cumberland, the Senate voted to take from the Table, Bill, "An Act to Insure Parental participation in a Minor's Decision to have an Abortion." (S. P. 220) (L. D. 604) tabled earlier in today's session pending the motion to Reconsider Adoption of Committee Amendment "A".

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

Senator CONLEY: I move that this item be tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that L. D. 604 be tabled for 1 Legislative Day.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: The pending Motion is reconsideration?

The PRESIDENT: The Motion by the Senator from Penobscot, Senator Trotzky, that the Senate reconsider its action whereby it adopted Committee Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that this item be tabled for 1 Legislative Day.

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

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to table L. D. 604 for 1 Legislative Day, please rise in their places to be counted.

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

14 Senators having voted in the affirmative and 12 Senators in the negative the Motion to

table for 1 Legislative Day does prevail.

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

Senator DEVOE: In reference to L. D. 1444, having voted on the prevailing side I move reconsideration and have the Senate vote against me.

The PRESIDENT: The Senator from Penobscot, Senator Devoe moves that the Senate reconsider its action whereby Bill, An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill." (H. P. 1193) (L. D. 144) the Ought Not to Pass Report "B" was accepted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that this item be tabled for 1 Legislative Day, pending reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that this item be tabled for 1 legislative day, pending the motion to reconsider.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. I request a Division.

The PRESIDENT: A Division has been requested.

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

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

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

12 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Table does not prevail.

The pending question before the Senate is Reconsideration of the Ought Not to Pass Report "B" of the Committee.

A Viva Voce Vote being had.

The Motion does not Prevail.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on Taxation - Bill, "An Act Concerning State Valuation and Assessment." (H. P. 531) (L. D. 652) Majority Report - Ought Not to Pass; Minority Report - Ought to Pass as Amended by Committee Amendment "A" (H-411)

Tabled—May 17, 1979 by Senator Collins of Knox.

Pending—Acceptance of Either Report.

On motion by Senator Collins of Knox, Retabled for 1 Legislative Day.

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

Bill, "An Act Relating to the Purchase of Railroad Rights of Way." (H. P. 1042) (L. D. 1275)

Tabled—May 17, 1979 by Senator Pierce of Kennebec.

Pending—Motion of Senator Redmond of Somerset to Indefinitely Postpone Bill and Papers.

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

Senator O'LEARY: I would request a Division.

The PRESIDENT: A Division has been requested.

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

Senator O'LEARY: Mr. President I would just remind the members of the Senate that this is a unanimous report of the Committee.

The PRESIDENT: Will all those Senators in favor of the Motion to Indefinitely Postpone, 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 in the negative, the Motion to Indefinitely Postpone does not prevail.

The Bill, Passed to be Engrossed, in concurrence.

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

Senator MINKOWSKY: Mr. President is the Senate in possession of L. D. 1012?

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

Senator MINKOWSKY: Mr. President I now move that the Senate reconsider its action whereby the Ought Not to Pass Report was accepted.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that the Senate Reconsider its action whereby on Bill "An Act to Clarify Habitual Offender Penalties." (H. P. 809) (L. D. 1012) the Ought Not to Pass Report "B" was accepted.

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

Senator COLLINS: Mr. President, I would urge the Senate to vote no on this matter. It was carefully debated yesterday and defeated and it is clear from its Legislative history that this is a good place for it to rest.

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

Senator MINKOWSKY: Mr. President and members of the Senate. I really think that it is about time that the judicial system in the State of Maine does not maintain its usual complacent attitude as to how they have always done things.

I think that it is about time, that an innovative approach be used in which to address the problem of the drunken driver of the habitual offender. I would like really to see this particular bill debated a little bit further or members of the Senate discuss this a little further to seek amongst their constituency the relevancy of this particular matter and address the very serious problem in the State of Maine where people just take for granted that they know or the habitual offender knows exactly that if he goes to court and a judge gives him a one year sentence and suspends 9 months or 10 months of it that he knows, it really does not give him the incentive to try to change his methodology. It is about time that we buckled down to the major thing of saying that if you are going to be sentenced for 1 full year in jail for some particular crime, that we adhere to what the original sentence was made by the Judge. I would ask for a division, Mr. President insofar as reconsideration of this particular bill.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the Motion to Reconsider its Action whereby it accepted the 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.

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

The Chair would direct the Senate's attention to Bill, "An Act Concerning Licenses Issued by the Department of Inland Fisheries and Wildlife." (H. P. 270) (L. D. 344), tabled earlier in today's session, by Senator Pray of Penobscot, pending adoption of Committee Amendment "A".

On motion by Senator Perkins of Hancock, Tabled for 2 Legislative Days, pending Adoption of Committee Amendment "A".

(Senate at Ease)

The Senate called to Order by the President.

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

Non-Concurrent Matter

Bill, "An Act to Fund and Implement Agreements between the State and the Maine State Employees Association and to Fund and Implement Benefits for Managerial and other Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act." (H. P. 1361) (L. D. 1597)

In the Senate May 3, Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-443) as amended by House Amendment "A" thereto (H-472), in non-concurrence.

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

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I support that motion, but I do not want to say that before Final Enactment, I trust the Senate will have in its possession a copy of the revised contract, between the State and the Maine State Employees Association, as accepted, as I understand it, on May 10, 1979. It is my understanding that at this point no member of the Senate has seen that contract, under any official auspices. Thank you, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House?

The Motion Prevailed.

On motion by Senator Pierce of Kennebec, adjourned until Monday, May 21, at 10:30 o'clock in the morning.