

# 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 30, 1979

Senate called to order by the President.

Prayer by the Honorable Walter W. Hichens, of Eliot.

Senator HICHENS: This is the day that the Lord hath made. Let us rejoice and be glad in it.

Lord, as we come into another stormy day, in our human frailties we are apt and want to find fault, as we come into the frustrations of the closing sessions of our Legislature, we want to find fault. We pray Lord that thou wilt help us to realize that Thou art the Lord above all, that Thou dost control nature, the elements round about us. As we seek Thy will, that thou wilt help us in the decisions which we have to make.

We pray Lord that even though we may not agree, we may be agreeable. That we may consider each other's ideas and opinions, that whatever we do may be for the good of our people, for the good of our country, and according to Thy will. These things we ask in Thy name. Amen.

Reading of the Journal of yesterday.

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

On motion by Senator Katz of Kennebec, Receded until the sound of the bell.

(Recess)

(After Recess)

The Senate called to order by the President.

(Off Record Remarks)

**Papers from the House**

**Non-concurrent Matter**

Bill, "An Act to Establish a Marijuana Therapeutic Research Program." (H. P. 523) (L. D. 665)

In the Senate May 14, Passed to be Engrossed, as amended by Committee Amendment "A" (H-332), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto (H-525), in concurrence.

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

**Non-concurrent Matter**

Bill, "An Act Appropriating Funds for Abortion Procedures for Persons Otherwise Eligible under Medicaid and to Effect Substantial Savings in the Costs of Government Services." (S. P. 464) (L. D. 1410)

In the Senate May 24, Passed to be Engrossed.

Comes from the House, Bill and Accompanying Papers, Indefinitely postponed, in non-concurrence.

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

Senator DEVOE: Thank you very much, Mr. President, I move that the Senate Recede and Concur, and ask for a Roll Call.

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

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 Recede and Concur with the House.

A Yes vote will be in favor of the Motion to Recede and Concur.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEA — Ault, Carpenter, Conley, Cote, Devoe, Emerson, Farley, Gill, Hichens, Katz, Lovell, Martin, McBreaity, Minkowsky, O'Leary, Perkins, Pierce, Pray, Shute, Silverman, Sutton, Teague, Usher.

NAY — Chapman, Clark, Collins, Danton, Huber, Najarian, Trafton, Trotzky.

ABSENT — Redmond.

A Roll Call was had.

23 Senators having voted in the affirmative, and 8 Senators in the negative, with 1 Senator being absent, the Motion to Recede and Concur does prevail.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Having voted on the prevailing side, I move reconsideration and ask the Senate to vote against me.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves the Senate reconsider its action whereby it voted to Recede and Concur with the House.

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.

**Non-concurrent Matter**

Bill, "An Act Providing for the Career Development Needs of Maine Citizens Through the Creation of a Division of Career Education within the Department of Educational and Cultural Services." (S. P. 258) (L. D. 731)

In the Senate May 23, the Minority Ought Not to Pass Report Read and Accepted.

Comes from the House, the Majority Report Read and Accepted and the Bill, in New Draft Under New Title: "An Act Providing for the Career Development Needs of Maine Citizens through the Establishment of a Career Education Consultant within the Department of Educational and Cultural Services" (S. P. 569) (L. D. 1635), Passed to be Engrossed, in non-concurrence.

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

Senator CONLEY: Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: I move the Senate Recede and Concur.

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, and Members of the Senate: I would support the motion of the Senator from Cumberland, Senator Gill that the Senate Recede and Concur with the House.

This is a Career Education Bill. Senator Hathaway was instrumental in passing Federal Career Education Incentive Act of 1977. This act will make \$125,000 available to the State of Maine to be used to encourage Career Education in schools throughout the State of Maine.

The feeling of the majority of the Committee was that the State should have a coordinator to coordinate these programs in the schools. The

pilot programs have been very successful in the Portland area and also in the Bangor area.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion to Recede and Concur, please rise in their places to be counted.

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

8 Senators having voted in the affirmative and 20 Senators in the negative, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

**Joint Resolution**

Joint Resolution In Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Dr. Wesley N. Wasgatt, one of Rockland's best loved doctors; . . . (H. P. 1439)

Comes from the House, Read and Accepted.

Which was Read and Adopted, in concurrence.

On motion by Senator Conley of Cumberland, there being no objections, all items previously acted upon were sent forthwith.

**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 Relieve Resident Recipients of Maine State Retirement System Allowance from Maine State Income Tax on those Allowances." (H. P. 324) (L. D. 405)

Bill, "An Act to Reduce the Residency Requirement for Certain Disabled Veterans' Property Tax Exemptions from 10 to 2 Years." (H. P. 570) (L. D. 718)

Bill, "An Act to Index the Maine Individual Income Tax Structure." (H. P. 769) (L. D. 975)

**Leave to Withdraw**

The Committee on Marine Resources, on Bill, "An Act to Suspend the Marketing Activities of the Department of Marine Resources for Fiscal Year 1979-80." (H. P. 1244) (L. D. 1493)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Energy and Natural Resources on, Bill, "An Act to Create the Office of Appropriate Technology and Native Resources." (H. P. 1085) (L. D. 1465)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Energy and Natural Resources on, Bill, "An Act to Establish the Aquifer Protection Act." (H. P. 521) (L. D. 664)

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 Concerning Rules and Regulations Governing the Inspection of Motor Vehicles." (H. P. 918) (L. D. 1123)

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 Providing Permanent Licensure of Automobile Inspection Mechanics." (H. P. 900) (L. D. 1205)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Increase the Income Limitation for Eligibility Under the Elderly Householders Tax and Rent Refund Act and Low Cost Drug Programs." (H. P. 290) (L. D. 354)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act Exempting Solid Waste Fuel-burning Facilities from Certain Taxes." (H. P. 568) (L. D. 716)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Adopt the Multistate Tax Compact." (H. P. 569) (L. D. 717)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide a Homeowner State Income Tax Credit for Installation of Energy-saving Solar Devices." (H. P. 853) (L. D. 1053)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Amend the Jobs and Investment Tax Credits Law." (H. P. 1103) (L. D. 1387)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Exempt Historical Societies and Museums from State Sales Tax." (H. P. 356) (L. D. 451)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act Exempting Incorporated Non-profit Speech and Hearing Institutions from Sales Tax." (H. P. 112) (L. D. 120)

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 Energy and Natural Resources on, Bill, "An Act Providing for the Consideration of Solar Energy Requirements in Comprehensive Plans." (H. P. 800) (L. D. 996)

Reported that the same Ought to Pass.

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Strengthen the State's Capability to Assess Maine's Forest Resources." (H. P. 1317) (L. D. 1571)

Reported that the same Ought to Pass.

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Enable Consolidation of the State Water Discharge Licensing Program and the Federal National Pollutant Discharge Elimination System Permit Program." (H. P. 864) (L. D. 1071)

Reported that the same Ought to Pass.

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Permit the Consideration of Solar Access Issues when Approving any Subdivision." (H. P. 1238) (L. D. 1491)

Reported that the same Ought to Pass.

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

The Committee on Energy and Natural Resources on, Bill, "An Act Concerning the Saco River Corridor Commission." (H. P. 797) (L. D. 967)

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.

The Committee on Agriculture on, Bill, "An Act Creating a State of Maine Trustees Advisory Board." (H. P. 1404) (L. D. 1617)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-526)

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

#### (Senate at Ease)

The Senate called to order by the President.

#### (Off Record Remarks)

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

#### Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act Pertaining to Solicitation by Law Enforcement Officers." (H. P. 1147) (L. D. 1409)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-495).

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

The Committee on Local and County Government on, Bill, "An Act Converting the Unorganized Township of Edmunds into the Town of Edmunds." (Emergency) (H. P. 710) (L. D. 863)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-513)

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

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

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-492).

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

The Committee on Public Utilities on, Bill, "An Act to Encourage Industrial Cogeneration and Small Power Production Facilities Using Renewable Sources of Energy." (H. P. 795) (L. D. 1002)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-519)

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

The Committee on Public Utilities on, Bill, "An Act to Facilitate the Licensing of Small Hydroelectric Generating Facilities." (H. P. 1195) (L. D. 1472)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-520)

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 Revise and Correct Provisions of the Administrative Procedure Act." (H. P. 1248) (L. D. 1504)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-522).

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

The Committee on Health and Institutional Services on, Bill, "An Act to Provide Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work." (H. P. 974) (L. D. 1242)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-508).

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

The Committee on Business Legislation on, Bill, "An Act to Establish at \$75,000 per Qualified Applicant, the Maximum Limit of Liability which an Insurer Must Assume under the Assigned Risk Motor Vehicle Insurance Statutes." (H. P. 1019) (L. D. 1252)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-510).

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

The Committee on Business Legislation on, Bill, "An Act Concerning the Maine Property Insurance Cancellation Control Act." (H. P. 690) (L. D. 862)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-509).

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. Under Suspension of the Rules, the Bills were Read a Second Time, and Passed to be Engrossed, as amended, in concurrence.

The Committee on State Government on, Bill, "An Act to Provide Fiscal Impact Statements." (H. P. 843) (L. D. 1045)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-511).

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 and Adopted, in concurrence.

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

Senator TRAFTON: Mr. President, I would like to ask a question to the Chairman of the Committee. Does this bill require a fiscal statement? I noticed that it deals with fiscal impact statements, and I wonder if the existing personnel will be able to handle this or are we going to be asked for additional personnel to issue these fiscal impact statements?

THE PRESIDENT: The Senator from Androscoggin, Senator Trafton, has posed a question to the Chair.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, and Ladies and Gentlemen of the Senate. In response to the inquiry, this bill simply requires a fiscal impact statement on bills dealing with counties and municipalities, for loss or creation of revenues. It requires that the Legislative Finance Officer prepare such statements. So I would see no additional need for funding.

THE PRESIDENT: The Chair recognizes the

Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I fear that my question has not been clearly proposed. So I'll ask it again and perhaps the Chairman of this Committee could respond. Obviously, this providing a fiscal impact statement will entail some work. My concern is, will this require additional monies and perhaps an additional person to do this?

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

Senator AULT: Ron Lord has informed us that it would take no extra work, it would be just part of putting out the impact statements on the bills anyway.

Under suspension of the Rules, the Bill was Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

The Committee on Transportation on, Bill, "An Act to Provide Local Control of Winter Closing of Town Ways." (H. P. 857) (L. D. 1057)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 512).

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 and Adopted, in concurrence.

Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to be Engrossed, as amended, in concurrence.

#### Ought to Pass in New Draft

Bill, "An Act to Amend the School Finance Law." (Emergency) (H. P. 1156) (L. D. 1323)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1433) (L. D. 1636).

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Bill, in New Draft, Read Once.

Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to be Engrossed, in concurrence.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Create a Class of Security Guards with Limited Powers of Arrest." (H. P. 1030) (L. D. 1312)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Waldo  
COTE of Androscoggin  
FARLEY of York

Representatives:

DELLERT of Gardiner  
VIOLETTE of Van Buren  
MAXWELL of Jay  
DUDLEY of Enfield  
McSWEENEY of Old Orchard Beach

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

Signed:

Representatives:

CALL of Lewiston  
SOULAS of Bangor  
BROWN of Gorham  
STOVER of West Bath  
GAVETT of Orono

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 Election Laws on, Bill, "An Act to Prohibit Voter Regis-

tration on Election Day with Certain Exceptions." (H. P. 1051) (L. D. 1302)

Reported that the same Ought Not to Pass.

Signed:

Senator:

FARLEY of York

Representatives:

HALL of Sangerville  
BERRY of Buxton  
TIERNEY of Lisbon  
STUDLEY of Berwick  
BENOIT of South Portland  
NADEAU of Lewiston

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

Signed:

Senators:

PIERCE of Kennebec

Representatives:

GOULD of Old Town  
WENTWORTH of Wells  
SMALL of Bath  
SEWALL of Newcastle

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

Which Reports were Read.

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

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

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, for once in this session, I want to publicly admit that this is indeed a partisan bill. We of the Democratic Party believe that people should have the right and access to the voting polls, every election on election day. To save time, I think it would very nice of the good Senator from Kennebec, Senator Pierce to withdraw his motion, and we can expedite the Legislative Process.

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

Senator PIERCE: Mr. President and Members of the Senate: I couldn't be more delighted that this is a partisan issue. I think no where are we faced with more voter fraud than on election day, and I'm not surprised that the Minority Party supports this bill. I will not withdraw my motion. In fact, I ask for the Yeas and Nays on the issue.

The PRESIDENT: A Roll Call has been requested.

Senator CARPENTER: Mr. President, being in harmony with my good Floor Leader on most issues and being a strict law and order man, I would appreciate it very much if the good Senator from Kennebec, Senator Pierce could delineate some of the cases of voter fraud that have been found and proven in the State of Maine.

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

Senator TRAFTON: Mr. President and Members of the Senate: I too take the remarks of the good Senator from Kennebec, rather hard because Auburn, on election day this past time, had over 700 registrations. I question whether the good Senator is pointing his finger directly at Auburn and suggesting that the residents of Auburn are engaged in some kind of fraud. Since I'm unaware of any instances of fraud, in my fair city, I too would like to hear some specifics.

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

Senator CONLEY: Mr. President and Members of the Senate: I would assume that the remarks made by the Assistant Majority Floor Leader, the good Senator from Kennebec, Senator Pierce, were somewhat frivolous. If there is any wrong doing at the polls on election day,

I would only suggest that he could point out those infractions that are taking place, if there are any infractions to the Attorney-General's Office, we pay them very well, I am sure that some of them are looking for work.

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

Senator FARLEY: Mr. President and Members of the Senate: I would hope we could get out of this partisan debate this morning. Look at the issue here, I think the right to vote to quote my leader is 'sacred.' and I do not think that it should be denied on election day or any other day.

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

Senator CLARK: Thank you, Mr. President. Mr. President and Men and Women of the Senate. A Bill similar to the one which we have before us this morning has been introduced in previous sessions. It has always received what is appropriately called 'the deep six'. It's my understanding that this bill has been introduced frequently or repeatedly at the request of the Town Clerks Association of Maine. It is the position of this Senator from Cumberland, that the Election Laws are designed to encourage the citizens of Maine to participate in their Democratic Government, and not for the convenience of the town clerks, among whom I have many dear friends.

The PRESIDENT: Is the Senate ready for the question.

A Roll Call has been requested.

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

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

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

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate accept the Minority Ought to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairey, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky.

NAY — Carpenter, Clark, Conley, Cote, Danton, Farley, Martin, Minkowsky, Najarian, O'Leary, Pray, Silverman, Trafton, Usher.

A Roll Call was had.

18 Senators having voted in the affirmative, and 14 Senators in the negative, with no Senators being absent, the Motion to Accept the Ought to Pass Report does prevail.

The Minority Ought to Pass Report of the Committee, Accepted, in non-concurrence, and the Bill Read Once.

On motion by Senator Conley of Cumberland the Senate voted to Suspend its Rules.

The Bill was Read a Second Time, and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Revise Information Contained on Motor Vehicle Inspection Stickers." (H. P. 448) (L. D. 565)

Signed:

Senators:

O'LEARY of Oxford  
USHER of Cumberland  
EMERSON of Penobscot

Representatives:

BROWN of Mexico  
HUNTER of Benton  
CARROLL of Limerick

STROUT of Corinth  
ELIAS of Madison  
LOUGEE of Island Falls  
HUTCHINGS of Lincolnville  
McPHERSON of Eliot  
McKEAN of Limestone

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

Signed:

Representative:

JACQUES of Lewiston

Comes from the House, the Minority 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 Health and Institutional Services on, RESOLVE, Relating to the Provision of Mental Health Services for Children and Families. (H. P. 808) (L. D. 1011)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 516).

Signed:

Representatives:

NORRIS of Brewer  
PRESCOTT of Hampden  
CURTIS of Milbridge  
BRENERMAN of Portland  
CLOUTIER of South Portland  
PAYNE of Portland  
BRODEUR of Auburn

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

Signed:

Sensors:

GILL of Cumberland  
CARPENTER of Aroostook  
HICHENS of York

Representatives:

MacBRIDE of Presque Isle  
MATTHEWS of Caribou

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

Which Reports were Read.

The Minority 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 Eligibility Under the Second Injury Fund Under the Workers' Compensation Statutes." (H. P. 825) (L. D. 1026)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 451).

Signed:

Sensor:

PRAY of Penobscot

Representatives:

McHENRY of Madawaska  
FILLMORE of Freeport  
TUTTLE of Sanford  
WYMAN of Pittsfield  
MARTIN of Brunswick  
BAKER of Portland  
BEAULIEU of Portland

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:

LEWIS of Auburn  
CUNNINGHAM of New Gloucester  
DEXTER of Kingfield

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H. 451).

Which Reports were Read.

On motion by Senator Sutton of Oxford, the

Minority Ought Not to Pass Report of the Committee, Accepted, in non-concurrence.

Sent down for concurrence.

#### Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act to Require that Persons Convicted of Habitually Sexually Molesting a Child under the Age of 14 May be Asexualized." (H. P. 816) (L. D. 1018) have had the same under consideration, and ask leave to report: that they are unable to agree.

On the Part of the Senate:

Sensors:

COLLINS of Knox  
DEVOE of Penobscot  
CLARK of Cumberland

On the Part of the House:

Representatives:

HUGHES of Auburn  
NORRIS of Brewer  
JOYCE of Portland

Comes from the House, the report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

#### Senate Ought to Pass

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 581) (L. D. 1639)

Reported pursuant to Joint Order (S. P. 577) that the same Ought to Pass.

Which Report was Read.

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

Senator COLLINS: Mr. President, the procedure is just a little different, this time on the Errors Bill. The Legislature passed an Order telling us to report this bill out so here it is, but the work is not all done on it yet.

The Committee is working on amendments to it. A lot of people ask me why the Errors Bill is so large. I want to just explain that for the benefit of some of the newer members of the Senate. Years ago we used to revise all of our statutes every 10 years. We would put out a contract and it would be a massive job and all of the statutes were revised in 'fell swoop'.

Now we do it differently. We use our regular staff to revise one or 2 volumes each year. Intensive work is done on those 1 or 2 volumes, and all the commas and periods and misspellings and everything are put together and made a part of this Errors Bill. 99% of the bill before you is that sort of thing, correcting spelling and punctuation, and misnumbering and mislabeling of various kinds. About 1% of the bill has inconsistency problems where different committees have reported material on the same area and have given material that conflicts and the Attorney General's Office or someone in the department has helped us resolve the conflict and it seems clear to us what the Legislature intended.

Now there are always offered a few items by individuals which get into a gray area of whether or not there is any policy involved. We are careful to see that those matters come in as floor amendments so that everyone has the chance to see them in broadlight.

I would urge the Chairman of each Committee to either personally or through a staff member to look at the sections of the bill that cover your particular area of expertise. The bill is arranged in that fashion. If you're dealing with Business Legislation, for example, there are a couple of titles that contain nearly all of your work. If your staff person will look at the 8 or 10 sections in that area of the bill, and report to you if they see any problems it will be very helpful so that we don't make any mistakes, as we try to correct these errors.

I understand from the leadership that the

plan is to let this bill have First Reading. Then it would be Tabled so that on next Monday we may have an opportunity for people to come before the Committee, then proceed with action on the floor.

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

#### Ought to Pass — As Amended

Senator Pierce for the Committee on Election Laws on, Bill, "An Act to Amend the Campaign Finance Law." (S. P. 78) (L. D. 167)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 250).

Senator Ault for the Committee on State Government on, Bill, "An Act to Abolish the Legislative Council." (S. P. 86) (L. D. 171)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 247).

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

#### (Off Record Remarks)

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act to Regulate the Sale of Franchises." (S. P. 465) (L. D. 1499)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 251).

Which Report was Read and 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 Labor on, Bill, "An Act to Clarify the Liability of Employers Under the Workers' Compensation Act." (S. P. 338) (L. D. 999)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

PRAY of Penobscot

Representatives:

WYMAN of Pittsfield  
MARTIN of Brunswick  
BEAULIEU of Portland  
TUTTLE of Sanford  
BAKER of Portland  
McHENRY of Madawaska

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 249).

Signed:

Sensors:

SUTTON of Oxford  
LOVELL of York

Representatives:

CUNNINGHAM of New Gloucester  
FILLMORE of Freeport  
DEXTER of Kingfield  
LEWIS of Auburn

Which Reports were Read.

On motion by Senator Sutton of Oxford, the Minority Ought to Pass Report of the Committee, Accepted, and the Bill Read Once. Committee Amendment "A" Read and Adopted.

On motion by Senator Pray, the Senate voted to Suspend its Rules.

The Bill was Read a Second Time. The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime." (S. P. 2) (L. D. 2)

Reported that the same Ought to Pass.

Signed:

Senator:

FARLEY of York

Representatives:

McSWEENEY of Old Orchard Beach  
STOVER of West Bath  
GAVETT of Orono  
SOULAS of Bangor  
BROWN of Gorham  
DELLERT of Gardiner

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

Signed:

Sensors:

SHUTE of Waldo  
COTE of Androscoggin

Representatives:

CALL of Lewiston  
MAXWELL of Jay  
VIOLETTE of Van Buren

Which Reports were Read.

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

Senator SHUTE: Mr. President and Members of the Senate: The report before you would indicate that some members of the Committee did not support the original bill, which was the case, however, the sponsor of this Legislation had indicated to members of the Committee that he'd like to have this bill accepted today, amend it down to make it a little narrower scope, and something that we all could live with.

Right now, I think the definition of drinking in a public place in the bill, is a little too broad. If we can amend this down to limit it to a certain area of the public such as streets and sidewalks, and things like that, I think it would be a good bill. So I would move the Ought to Pass Report and hope that we could amend it to make it something that the whole Legislative Body could support.

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

Senator DANTON: Mr. President and Members of the Senate: I am the sponsor of this Legislation. I want to thank the good Senator from Waldo, Senator Shute for giving me the opportunity to move this bill along.

What has happened, since we've raised the drinking age to 20 years old, the 18 and 19 year olds now just don't have anywhere to go and they're drinking out on the sidewalks and the streets, roads and highways. Of course, down in my area, I could say beaches, and parks and what have you, but being realistic about it, I know that if we go too broad, we aren't going to pass anything. It's getting to the point, where decent people just cannot walk on sidewalks today without being sworn at or abused one way or another.

So what I'd like to do, if it's possible, Mr. President and Members of the Senate, to get the Rules Suspended, get it into its Second Reading, and offer an amendment that I think will be acceptable to this body. If it isn't, fine, it won't be the first or the last bill that I've had go down the shoot, but I think something should be done so we can make our streets safe and decent once again.

The Majority Ought to Pass Report of the Committee, Accepted, and the Bill Read Once. On motion by Senator Farley of York, the Senate voted to Suspend the Rules.

The Bill was Read a Second Time.

On motion by Senator Conley of Cumberland, Tabled until later in today's session, pending Passage to be Engrossed.

#### Divided Report

The Majority of the Committee on Legal Affairs on, RESOLVE, Authorizing Aiden Redding, Victorian Villa, Maplewood Lodge, Mildred DeCoster, the Personal Care Boarding Home Association, Inc., et al, to Bring Civil Action Against the State of Maine. (S. P. 424) (L. D. 1310)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (S-248).

Signed:

Sensors:

SHUTE of Waldo  
FARLEY of York

Representatives:

CALL of Lewiston  
GAVETT of Orono  
DELLERT of Gardiner  
VIOLETTE of Van Buren  
MAXWELL of Jay  
SOULAS of Bangor  
BROWN of Gorham  
STOVER of West Bath

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

Signed:

Sensor:

COTE of Androscoggin

Representative:

DUDLEY of Enfield

Which Reports were Read.

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

Senator COTE: I move acceptance of the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Androscoggin, Senator Cote moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

Senator O'LEARY: Mr. President I would ask for a Division on this.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Cote.

Senator COTE: Mr. President this comes about that some of the nursing homes which is comprised of over 100 of them, did not get the money that they wanted to get, because there was none available. Now they want to turn around and sue the State of Maine.

In each case it is a \$35,000 limit with over 100, some odd homes, involved in this it could mean quite a large sum for the State of Maine should they win their case. I feel that the only reasons that they did not get the money at that time, was because it was not available. 'You can not get blood out of a stone' and that is why I move the Ought Not to Pass, I hope that the Senate follows my motion.

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

Senator O'LEARY: Mr. President I noticed that the total of all recoveries of this action will not exceed \$125,000.

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

Senator PERKINS: A question, Mr. President, if I may, to anybody who cares to answer.

The PRESIDENT: The Senator may state his question.

Senator PERKINS: It would appear that this bill would enable those who were unsuccessful before the Appropriations Committee to sue the State for a larger fee?

The PRESIDENT: The Senator from Hancock, Senator Perkins has posed a question, to anyone who may care to answer a rhetorical question.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate: As I recall the bill, the reason for it is there are parties in court at the present time in an attempt to recover some losses that they feel they are entitled to, and I think it is their feeling their case might be thrown out of court because they do not have the authority at the present time to sue the State. This Legislation, would allow them to sue the State if they were successful in their court action. The Amendment of course

puts \$125,000 limit on the bill, and they would still of course have to come to the Legislature to get that money, from the Appropriations Committee.

The PRESIDENT: A Division has been requested.

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

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

20 Senators having voted in the affirmative and 7 Senators in the negative, the Motion to Accept the Minority Ought Not to Pass Report does prevail.

Sent down for concurrence.

#### Second Readers

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

#### House

Bill, "An Act to Require Financial Institutions Either to Pay Taxes from Mortgage Escrow Accounts or to Pay Interest on Escrowed Sums." (H. P. 1426) (L. D. 1633)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1979. (H. P. 1424) (L. D. 1631)

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

Bill, "An Act to Amend the Laws Relating to Criminal History Record Information." (H. P. 1425) (L. D. 1632)

Which was Read a Second Time.

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

Senator COLLINS: Mr. President I offer Senate Amendment "A" to L. D. 1632 under filing number S-238 and move its Adoption.

The PRESIDENT: The Senator from Knox, Senator Collins now offers Senate Amendment "A" to L. D. 1632 and moves its Adoption.

Senate Amendment "A" (S-238) Read and Adopted.

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

Sent down for concurrence.

#### House — As Amended

Bill, "An Act to Strengthen the Penalties for Operating Under the Influence." (H. P. 934) (L. D. 1166)

Bill, "An Act Relating to the Employment of Minors and Overtime Pay." (H. P. 1214) (L. D. 1520)

Bill, "An Act Altering the Organization and Governance of Community School Districts." (H. P. 1081) (L. D. 1517)

Bill, "An Act Concerning Limited Decrees for Alimony." (H. P. 1168) (L. D. 1443)

Bill, "An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation." (H. P. 956) (L. D. 1222)

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

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

Senator DEVOE: I move Reconsideration of L. D. 1443.

The PRESIDENT: The Senator from Penobscot, Senator Devoe moves reconsideration whereby Bill, "An Act Concerning Limited Decrees for Alimony." (H. P. 1168) (L. D. 1443) was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

Senator DEVOE: Thank you very much Mr. President. Mr. President and Members of the Senate: I will be brief this morning in my discussion of this Bill. I happened to be the only member of the Committee who voted Ought Not to Pass on this Bill. The Bill is now the filing number 490. It does a couple of things to the alimony statute that are a little unusual and



I just want to bring these items to your attention before we have a vote.

We have heard a lot of discussion this year, about the importance of not limiting a Judge's discretion when he hears a case. Many of the criminal cases, and many of the criminal statutes that we have had, we have finally come down on the side of giving the Judge discretion, based upon the facts at the time, to make his decision without the Legislature trying to impose its supposed wisdom on the Judge.

This Bill gives Legislative sanction to a statement in Section 2 of the Amendment, and I will read it, 'The section shall not limit the court by full or practical agreement of the parties or otherwise, from awarding alimony for a limited period, from awarding alimony which may not be increased regardless of subsequent events or conditions, or otherwise limiting or conditioning the alimony award in any manner on terms that the court deems just.'

This second clause that I have read from awarding alimony which may not be increased regardless of subsequent events or conditions, seems to me to be putting into the statute a concept that limits the Judges discretion based upon the circumstances at the time.

That is the reason that I voted against this particular amendment coming out of committee, I do not like to be the one who divides a report 12 to 1, but these are the reasons that I voted against it, thank you very much.

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

Senator CLARK: Mr. President I would pose a question through the Chair to the Gentlemen from Penobscot, Senator Devoe.

The PRESIDENT: The Senator may state the question.

Senator CLARK: If in Section 2 of the Amendment under filing number H-490, alimony which may not be increased regardless of subsequent events or conditions, am I to understand that alimony may be decreased?

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

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you very much, Mr. President. I would be happy to try to answer the question which the good Senator from Cumberland has posed.

Yes, the Judge may decrease alimony at the present time, this Bill would not chance that right, of the Judge in the future were this Committee Amendment "A" to be Enacted and become effective in the statutes. The Judge presently has the power to decrease alimony and he would have in the future under this Bill. He would not however have the right to increase alimony at any time in the future.

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

Senator COLLINS: Mr. President I would like to add to the answer given by the Senator from Penobscot, Senator Devoe.

The lack of authority to increase alimony in the future would only apply if the original decree said that that was to be the case. In point of fact, this statute does not really change the present options and practices that are available in divorce alimony.

The chief reason for it is to clarify the income tax treatment of the alimony. Alimony is deductible by the payer and taxable to the payee, but in order to qualify as alimony there are certain characteristics that it must bare under the tax laws.

A skillful practitioner can usually work those matters out fairly well through property settlement agreements and other measures that become embodied in a decree of the court, but there are occasions when the less skillful practitioner in the tax field runs into difficulty because of the way that he framed a decree. It is felt that this statute would help in that area.

This matter was submitted to two sources for comment before the Committee reached a de-

cision. One was the Family Practice Section of the Maine State Bar Association. The other was the group known as the Attorney's Cooperative Trust which is a group which follows legislation on behalf of lawyers. I have a letter from the Attorney's Cooperative Trust, indicating that they feel that this change in the divorce laws, would be helpful.

I do not regard it as a significant change in point of reference as to who may do what, but I do regard it as useful with respect to dealing with the Internal Revenue Service and the tax aspect of a divorce settlement. Therefore I would hope that it would be engrossed.

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

Bill, "An Act to Amend the Stream Alteration Act." (H. P. 267) (L. D. 385)

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

Sent down for concurrence.

Bill, "An Act to Require that Insurance Coverage for Outpatient Community Mental Health Services be Provided in Group Health Care Policies and Contracts." (H. P. 1121) (L. D. 1390)

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, the Senate voted to reconsider its action where by it Adopted Committee Amendment "A".

Senator PIERCE: Mr. President I offer Senate Amendment "B" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "B" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "B" (S-246) 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.

#### Senate

Bill, "An Act to Revise the Inland Fisheries and Wildlife Laws." (S. P. 573) (L. D. 1637)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act Authorizing the Maine Bureau of Rehabilitation to Provide for Sheltered Workshop Employment for Severely Handicapped Residents of the State of Maine." (S. P. 361) (L. D. 1108)

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

Sent down for concurrence.

#### Enactors

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

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

An Act to Authorize the Provision of Services to Developmentally Disabled Children. (S. P. 377) (L. D. 1157)

An Act Concerning Retirement for State Prison Employees. (H. P. 1138) (L. D. 1404)

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

An Act Relating to State Participation in General Assistance Programs. (H. P. 1356) (L. D. 1592)

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)

An Act Concerning Setting of Electric Rates by the Public Utilities Commission. (H. P. 913)

(L. D. 1118)

An Act to Conform State Statutes to the Federal Food Stamp Program. (S. P. 561) (L. D. 1619)

An Act Authorizing the State Museum Bureau to Procure a Replica of "The Maine Lobsterman." (S. P. 565) (L. D. 1625)

An Act to Provide for a Method of Arranging Voluntary Meetings Between Adoptees and Adoptive Parents and Natural Parents. (H. P. 1190) (L. D. 1431)

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 Concerning Persons Exposed to Diethylstilbestrol. (H. P. 499) (L. D. 635)

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

An Act to Correct Certain Obsolete References in Title 30 of the Maine Revised Statutes. (S. P. 307) (L. D. 903)

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

#### Emergency

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

On motion by Senator Redmond of Somerset, Tabled, until later in today's session, pending Enactment.

#### Orders of the Day

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

HOUSE REPORTS — from the Committee on Taxation — Bill, "An Act Relating to Withdrawal Penalties under the Tree Growth Tax Law." (H. P. 1003) (L. D. 1237) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-476)

Tabled—May 24, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

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

Senator TEAGUE: 8 members of the Taxation Committee signed the Ought Not to Pass Report. Since that time the House has added an Amendment H-485. This amendment has straightened out the Bill, so I now move that we accept the Minority Report.

The PRESIDENT: The Senator from Somerset, Senator Teague has moved that the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee.

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

Bill, "An Act to Prohibit Drinking in Public Under the Criminal Code." (H. P. 562) (L. D. 709)

Tabled—May 29, 1979 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act Concerning the Accountancy Statutes." (S. P. 175) (L. D. 367)

Tabled—May 29, 1979 by Senator Chapman of Sagadahoc.



Pending—Adoption of Committee Amendment "A" (S-233).

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

Senator AULT: I offer Senate Amendment "A" to Committee Amendment "A" under filing number S-253 and move its Adoption.

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

Senate Amendment "A" (S-253) Read.

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

Senator MINKOWSKY: Mr. President not being fully cognizant of exactly what this amendment does, does it say that it is reducing from 40 hours to 25 hours the maximum number of clock hours? I wish that the sponsor of the amendment would just give us a thumbnail synopsis of the intent and purpose of this amendment.

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

Senator AULT: The original Bill L. D. 367 required a maximum of 40 hours of continued education, in any calendar year, the committee amendment reduced that to 10 clock hours, my amendment brings the 10 back to 25 which is a compromise.

Senate Amendment "A" Adopted. Committee Amendment "A" as amended, Adopted. 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 Pertaining to Motor Vehicles Passing Stopped School Buses." (H. P. 1041) (L. D. 1278)

Tabled—May 29, 1979 by Senator Pierce of Kennebec.

Pending—Motion of Senator Pierce of Kennebec that Senate Insist and Join in a Committee of Conference.

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

Senator EMERSON: I move that we Recede and Concur.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President to Recede and Concur with the House at this time would Enact the Bill, is that correct?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: Mr. President I would only suggest that the Senate read the Bill before they vote on it.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Division.

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 Recede and Concur please rise in their places to be counted.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: 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 one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President there are so many holes in this particular bill that is before us right now that you could drive a school bus through them.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: This is a bill that was worked on and labored hard by the Transportation Committee. I think it has a lot of serious connotations. Right now a bus driver, driving a school bus, out of nowhere sees a car pass a stopped school bus which puts in danger and jeopardy those students, no matter what their age is, getting off that school bus and that driver of the bus has very little chance of identifying who passed the school bus.

I would think if we put our faith in our school bus drivers to protect our children on the school buses then we also could put faith in those same drivers to have a law to help them identify who is illegally passing the school bus while children are getting off and crossing the road.

Right now the way the law reads someone can pass a stopped school bus and it is almost impossible to identify him. With this law on the books it will say that if you identify the license plate number, the type of car, the model of the car, and the color then the person who owns that car is responsible to come up with who was driving the car because the car was his responsibility.

I only hope for the protection of our school children and for giving our school bus drivers a chance to properly identify those driving a car passing a stopped school bus that this bill will pass. I hope that you vote to Recede and Concur, thank you.

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

Senator PRAY: Mr. President and Members of the Senate: The bill as it is before us, and what it will do, and I think that there is one section that we really should understand, is the suspension after the school bus driver has identified the automobile, is for a period of not less than 3 months nor more than 1 year. The vehicle itself may not be reregistered during the suspension period.

We are talking about an individual violating the law, and apprehending that individual is one thing. I live in a rather rural area, very similar to the area of the Senator from Washington, Senator Silverman, and I am concerned about individuals who have to at times drive great distances for employment purposes. If upon some one of these roads, a vehicle happens to pass, for whatever reason, a school bus and that vehicle registration is suspended and can't be lifted during that time period, what are we going to do with that individual in that situation?

We are taking the automobile, which is a necessity today in this State, as rural as it is and as large as it is, and I think that we are just attacking the problem in the wrong direction, so I would hope that we would not enact this bill.

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

Senator DANTON: Mr. President and Members of the Senate: I would hope that one of the attorneys in this Chamber, would get up and tell us what a hayday they would have in court with a bill like this one.

First of all if you look at the amendment it says "other identifying features." I am sure that they could have someone on the stand for about half an hour asking whether the headlights were round or square, were the taillights square or round, you know this could go on and on and on.

No one here I am sure wants to endanger the lives of school children. I am sure that the good

Senator from Washington, Senator Silverman is sure of that, but if we are going to put something on the books to help the school bus drivers out, let's put something that at least they will not get ridiculed by the attorney once they get into court.

Sometimes you know, we have to look at the school bus drivers too. I have seen many, many, many times, the one that uses Route 1 to Augusta, when I do come and I know that I have not been here that often this session, but they are supposed to give you, whatever it is, 50 yards or 100 yards, they are up to about 5 feet and they turn on the flashing red lights. When you have snow, ice and all kinds of traffic on Route 1, because I do come from the populous area of the State, it is a little dangerous.

There is a matter of discretion here. This bill, I think, will further make the school bus driver be ridiculed in court, especially if one of our two attorneys in this Chamber would like to get up and say what they could do to someone on the stand if they got them there, as far as other identifying features are concerned.

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

Senator COLLINS: Since there is only one attorney in the Chamber, I'll say that I think that it is a bad bill. In a technical sense it has a good purpose, but it certainly is a very difficult technical matter, and I shall vote against it.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: It is very nice to hear the Senator Danton, and Senator Collins say that they are all for helping the cause, but of course this bill is a bad bill. Yet what have you contributed to make this a good bill and see that it passes? What have you contributed to make this a good bill and see that it passes?

It is very easy to say young children can possibly lose their lives because someone didn't stop for a school bus. This is what we are trying to improve. Through the comedy I do hope that we can come up with a bill to help bus drivers, protect those children who could be in a chance of losing, possibly a life, because right now we can not identify properly those who illegally pass a stopped school bus.

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

Senator FARLEY: Mr. President to respond to the good Senator from Washington, first of all I voted for the Bill, and voted against the amendment that is now on there, but to give credit to the Senator from Oxford, Senator O'Leary, he did his job well. That amendment does nothing but make it a lawyers delight.

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

Senator COTE: For a point of clarification Mr. President, are we voting now to Enact the bill, or are we voting to Insist and Ask for a Committee of Conference as the House demanded?

The PRESIDENT: The Chair would advise the Senator that we are voting on Enactment of this Legislation.

Senator COTE: I shall make my contribution. I shall vote against it.

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

Senator GILL: Mr. President I would like to pair my vote with Senator Hichens. If he were here he would be voting Yes, in favor of Receding and Concurring, and I would be voting No.

The PRESIDENT: The Senator from Cumberland, Senator Gill, requests Leave of the Senate to pair her vote with the Senator from York, Senator Hichens, who if he were here would be voting Yea and the Senator from Cumberland, Senator Gill would be voting Nay.

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

It is a vote.

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Emerson, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of Enacting this Legislation.

A No vote will be opposed.

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

#### ROLL CALL

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

ABSENT — McBreairty.

PAIRED — Gill-Hichens.

A Roll Call was had.

9 Senators having voted in the affirmative and 20 Senators in the negative, with the 2 Senators having paired their votes, and 1 Senator being absent, the Motion to Recede and Concur does not prevail.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Pierce, that the Senate Insist and Join in a Committee of Conference.

Is this the pleasure of the Senate?

The Chair will order a Division.

Will all those Senators in favor of Insisting and Joining in a Committee of Conference, please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 15 Senators in the negative the Motion to Insist and Join in a Committee of Conference does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Adhere.

Is this the pleasure of the State?

It is a vote.

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

HOUSE REPORTS — from the Committee on State Government — Bill, "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Assistance Allocation." (H. P. 402) (L. D. 508) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-503); Minority Report — Ought to Pass as Amended by Committee Amendment "B" (H-504)

Tabled—May 29, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

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

Senator AULT: I move acceptance of the Majority Report.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President, would someone on the Committee, there are two Ought to Pass Reports here, 1 by Amendment "A", and 1 by Amendment "B", would explain what each report is?

The PRESIDENT: The Senator from York, Senator Farley, has posed a question through the Chair to any member of the State Govern-

ment Committee who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Being in favor of Report "A", I'm not too concerned with Report "B". Report "A" gives local control.

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

Senator PIERCE: Mr. President, I would just add to that that Report "B" also gives local control.

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

Senator CLARK: Thank you, Mr. President. If somebody would clarify the difference between the local controls in Report "A" and "B", this Senator would be most appreciative.

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

Senator AULT: Right now it's my understanding that the Maine Housing Authority will not grant units to communities, if the community specifies the builder, the managing entity and the site. We believe, who supported Report "A", that the community should have the power to determine the site and the managing entity. We did take out the developer that was in the original bill, so the Maine Housing Authority can determine who the developer is.

The PRESIDENT: Will all those Senators in favor of accepting the Majority Ought to Pass, as amended, by Committee Amendment "A" Report of the Committee, please rise in their places to be counted.

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

13 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to accept the Majority Ought to Pass Report, does not prevail.

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

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

SENATE REPORTS — from the Committee on Appropriations & Financial Affairs — RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval. (S. P. 96) (L. D. 182) Report A — Ought to Pass; Report B — Ought to Pass in New Draft under New Title of "An Act to Limit the Amount of State Expenditures During any Fiscal Year." (S. P. 579) (L. D. 1641); Report C — Ought to Pass in New Draft under New Title of RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made without Voter Approval. (S. P. 580) (L. D. 1640)

Tabled—May 29, 1979 by Senator Huber of Cumberland.

Pending—Acceptance of a Report.

On motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Acceptance of Report.

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

Bill, "An Act to Increase the Funds for the Displaced Homemakers Program." (H. P. 779) (L. D. 981)

Tabled—May 29, 1979 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

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

Senator SHUTE: Mr. President, I haven't had an opportunity to look this bill over much. I wondered if somebody on the committee could explain the bill, if it's a new program we're starting, if it is where it came from?

The PRESIDENT: The Senator from Waldo, Senator Shute, has posed a question to the Chair.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: No, this is not a new program. I think it was very heavily debated a couple years ago in the Legislature.

We funded this program 2 years ago at the magnanimous sum of about \$15,000. They didn't get started until about 8 months ago, because the Governor was late in naming his council who were very inexperienced, etc., etc. However in the 8 months, they have served over 70 women, 35 of whom are now employed, and 35 are in training or workshops. It was a pilot program for Kennebec County and I think that they have done a really great job considering the limited amount of funds they had to work with.

These are women who are severely depressed, whose identity has been entirely wrapped up with their husbands and children for about 25 or 30 years. The husband has gone for one reason or another, either through death or divorce. The children are gone, and they are just absolutely devastated. I think it's a good bill. It's helping a lot of people who would probably be committing suicide or being alcoholics without it, or on welfare. It's getting them into the job field. I hope you will support this bill.

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

Senator SHUTE: Mr. President and Members of the Senate: I notice the original bill had a \$50,000 appropriations on it. The amendment has a \$25,000 appropriation on it.

Now just a few weeks ago we went through the Kennebec County Budget. When the budget was presented to the Legislature, it was a 97% increase in the county budget, 97% increase. That was finally worked down to, I think, it's now a 52% increase in the county budget. Evidently the county felt it couldn't afford to continue these programs. Now it's going to shift onto the State to support the programs.

Ordinarily these types of programs start with the Federal Government, then they put them down on the State Government, then down on the County Government. Finally we get them down to the Municipal Level. This one seems to be rising from the bottom and coming up. If there's only been one county in the State that has supported a program like this, I wonder why the State now feels it has an obligation to take over the County Programs of Kennebec County.

We have some programs in Waldo County that I'm sure some taxpayers back there don't feel we can afford. Possibly we should have all the counties bring in their programs to the State, and have the State take over the ones that get a little too expensive or where the county feels that there is a very good chance that these are going to be too expensive for the counties to handle.

Mr. President, I would move Indefinite Postponement of this bill and all accompanying papers.

The PRESIDENT: The Senator from Waldo, Senator Shute, moves that L. D. 981 be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: The Senator from Waldo, Senator Shute, is terribly misinformed. This was not funded by Kennebec County, it was funded by the State last year. They may have used some CETA employees from the Kennebec area, but it did not receive any Kennebec County funds or any other county funds. It was a pilot project that was located just principally in Kennebec County. They had to do that because the Legislature didn't give them any more money.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I'd oppose the pending motion. I certainly feel this bill has certainly the merits, of at least getting to the Appropriation Table and to allow the Legislature, the Senate and the House to establish its priorities, before Enactment of such Legislation.

Most of us in this Chamber are pretty familiar with the GI Bill of Rights, and all the Veterans' Benefits that have been given to the individuals who have served in the Armed Forces over the past 20 years or so. We've had the GI Bill with respect to Education, with respect to Housing, with many other features.

This bill that's before us today, primarily addresses a woman who has a family all grown up, and who is at home and becoming nothing but a wasted individual for the rest of the period of her life. What happens with this program is that people go in and work with this type of an individual, bring her back into society, where she finds employment. The measly \$15,000 that was spent on this program 3 years ago in its inception, has more than tripled its fold with respect to returning taxes back into the coffers of the State and other forms of government.

So if we have any respect for those individuals who will be confined to their homes, and just waste away, then I think you should vote for the Indefinite Postponement. But if you have a little compassion in your heart, if you have some understanding as to what this world is all about, and that we're trying to make it a little better for those who find themselves in this terrible condition, then I suggest that you at least vote for the Engrossment and allow this bill to get to the Appropriations Table, where the final decision can be made.

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

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate: As a signer of the Majority Ought Not to Pass Report of this bill, I would rise to just suggest that perhaps as a signer, I felt that some of the areas which were encompassed in this piece of legislation, in this pilot project, which was operated out of the University of Maine in Augusta, and whose mail meter we have used apparently to send the mail out for information purposes, to give members of the Legislature their information, I felt that some of these areas, while they may be meritorious, that the Clergy perhaps could be and were capable of providing some of these services. That perhaps in the money area that we're facing within our State today, that this is another program that is asking for more of our dollars while we leave other programs, as AFDC, as Alcoholism, Education, as some of the other Elderly Programs underfunded, that perhaps this was one that did not need to be funded as a priority. I think the Appropriations Committee listed its priorities. This came out short.

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

Senator CONLEY: Mr. President and Members of the Senate: Having once served on the Appropriations Committee, I'm fully aware of the fact that the Appropriations Committee will be listing its priorities based on those bills that do reach the Appropriations Table. Once again, I say that I feel, my personal feelings are, to say that's a very high priority, dealing with a woman in this State.

Secondly, when the vote is taken, Mr. President, I hope that an ounce of compassion will be shown, and that when the vote is taken, it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, just a little further bit of clarification. The Senate might be interested to know that we have a labor bill

that will be coming before you very shortly, I think it's one of the Governor's bills that has taken this program and moved it into the Department of Manpower Affairs to make it, I guess, a permanent part of the training portion of the Department of Manpower Affairs.

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 Waldo, Senator Shute, that the Senate Indefinitely Postpone L. D. 981.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Collins, Emerson, Huber, Perkins, Shute, Teague, Trotzky.

NAY — Ault, Carpenter, Chapman, Clark, Conley, Cote, Danton, Devoe, Farley, Gill, Katz, Lovell, Martin, Minkowsky, Najarian, O'Leary, Pierce, Pray, Redmond, Silverman, Sutton, Trafton, Usher.

ABSENT — Hichens, McBreairey.

A Roll Call was had.

7 Senators having voted in the affirmative, and 23 Senators in the negative, with 2 Senators being absent, the Motion to Indefinitely Postpone does not prevail.

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

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

SENATE REPORTS — from the Committee on Appropriations & Financial Affairs — Bill, "An Act to Establish a Statutory Limit on County Expenditures during any One Fiscal Year." (S. P. 256) (L. D. 730) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled—May 29, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Huber of Cumberland to Accept Minority Report.

On motion by Senator Katz of Kennebec, Retabled until later in today's session.

#### (Off Record Remarks)

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

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

On Motion by Senator Pierce of Kennebec, Recessed until 2 o'clock this afternoon.

#### (Recess)

#### (After Recess)

The Senate called to order by the President.

Senator Katz of Kennebec was granted unanimous consent to address the Senate, Off the Record.

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

#### (Recess)

#### (After Recess)

The Senate called to order by the President.

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

HOUSE REPORT — from the Committee on Business Legislation — Bill, "An Act Concerning the Profession of Public Accountancy." (H. P. 234) (L. D. 280) Ought to Pass as Amended by Committee Amendment "A" (H-497)

Tabled—May 29, 1979 by Senator Chapman of Sagadahoc.

Pending—Acceptance of Report.

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

Senator CHAPMAN: Mr. President, I move of the Committee Report, and would speak to the motion.

The PRESIDENT: The Senator has the floor.

Senator CHAPMAN: This bill will restore the examination for licensing of Public Accountants. Under present law no new applicants may be accepted to take the examination for a Public Accountant. In effect, existing law will eventually eliminate the licensees to practice as Public Accountants.

With the growing complexities that we have in our business operations resulting from the federal, state regulations and laws, we've created a situation where businesses more and more do require the services of accountants. In many instances there is not a need in a smaller business for a Certified Public Accountant, but there certainly is a need for Public Accountants.

There is no need, for example, in service stations, or retail stores or small service contractors, for example, to have opinion audits, to have the attest function, which CPA's can now administer and guarantee.

This bill would re-establish then the examination and licensing of Public Accountants. It also, in the Committee Amendment, which is the bill, makes the education experience requirements for a Public Accountant equal to that of CPA's, which is certainly an upgrading from what it used to be. It would require that Public Accountants pass 2 of the 5 parts of the CPA examination.

The bill then does set fairly high educational standards for Public Accountants. The Committee Amendment does allow for the Public Accountants to have the attest function. If the Senate will adopt this report, I intend to offer an amendment which will remove the attest function from Public Accountants for any new Public Accountants, any of the grandfathered Public Accountants, under the law passed in '74 which retained that attest function now, would be untouched by anything we're doing here.

As far as any new licensed Public Accountants under this legislation, should pass, I would offer an amendment which would remove from them the attest function. I would hope that the Senate would Concur with the Committee Report.

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

Senator LOVELL: Mr. President, and Ladies and Gentlemen of the Senate, I've had several Public Accountants contact me. They say they're in favor of the bill, but they don't want any amendments. Has the bill been passed yet? It hasn't been passed.

The PRESIDENT: The Chair would answer in the affirmative. The Committee Report has not as yet been accepted by the Senate.

Senator LOVELL: When the Committee Report is accepted, then I would request a Division on the amendment.

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

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

Senator CHAPMAN: I now offer Senate Amendment "A" to Committee Amendment "A" under Filing S-252 and move its Adoption.

The PRESIDENT: The Senator from Saga-

dahoc. Senator Chapman, now offers Senate Amendment "A" to Committee Amendment "A".

Senate Amendment "A" (S-252) Read.

The PRESIDENT: The Senator has the floor.

Senator CHAPMAN: I would just like to reiterate that this does not affect any of the existing Public Accountants that were grandfathered under 1974 law. They are still able to attest and will continue to be able to do so. This would remove the attest function for any newly licensed Public Accountants, under this bill.

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

Senator LOVELL: Ladies and Gentlemen of the Senate. I would like to move Indefinite Postponement of this amendment, and the Committee Amendment.

The people that called me up are Public Accountants. They felt that the amendment, of them taking the 2 hardest CPA exams wasn't just fair. They felt that the original bill would be alright, but with going on to have to take the 2 hardest exams of the CPA, that they just wouldn't be very many more Public Accountants. They would all want to be CPA's. I would request a Division on this.

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

Senator MINKOWSKY: Mr. President, I remember 12 years ago, I was part and parcel to the drying up, unfortunately, of the Public Accountant Profession in the State of Maine. I guess now I'm glad to see that the CPA's are a little more compassionate towards restoring the PA's in the State of Maine.

In looking over L. D. 280, House Amendment 497, and trying to correlate that with Senator Chapman's amendment, it seems a little ambiguous in one respect. I'm just trying to analyze it a little more closely. Maybe somebody else can expound upon this.

In the Section 6, under Educational Experience, "who meets the requirements of education experience, specified by the regulations issued by the Board, shall be no less stringent than those applicable to Certified Public Accountants". Then it goes on to state under Section 7, Examination, "who shall have passed part 1 and part 2 of the examination in Accountancy Practice, portions of the Uniform Certified Public Accountants Examination prepared by the Board of Examiners of the American Institute of Certified Public Accountants, and shall also have passed a written examination, other applicable subjects in the Field of Accounting, such as Auditing, Theory of Accounts, Practical Accounting Problems, Commercial Law, as it affects Accountancy, Federal and State Taxation".

Now this is quite a broad range of experience for the Public Accountants in the State of Maine to have, which I'm in total favor of. But in Senator Chapman's amendment, it goes on to state under Filing Number S-252, under Section 3990, "no person shall sign or affix his name or tradename or assumed name by him, in his professional business with any wording indicating that he is an auditor or with any wording indicating that he is skilled, skilled in or has expert knowledge in Accounting or Auditing."

This is where I find it's a little ambiguous. Here you have a person with a very high educational background, as a Public Accountant. The criteria is very stringent in relation to it. Yet, in this amendment that Senator Chapman proposes, under Statement of Fact, it says "the intent of this amendment is to prohibit the utilization of the account audit, or attest function except by Certified Public Accountants."

It just doesn't seem right. It seems basically discriminatory against the Public Accountants in the State of Maine, who I think serve the small business interests in the State of Maine a great deal. Everybody cannot afford to spend

\$60 or \$70 per hour and hiring a CPA to handle the operations of a small grocery store or a filling station.

In looking over some of the testimony that was presented apparently to the committee, one point that was made very clear. Maine's Small Businesses will no longer have the option of choosing the types of services best suited to their needs. They will be forced increasingly to rely on the very large and more expensive multi-national accounting firms, which dominate the CPA Profession.

I think this is the entire crux of the matter. Now they realize that PA's are coming back into being again, which is of vital importance to the small business community in the State of Maine, but they want to be sure, even though they have the high educational backgrounds and skills to limit them from even attesting to the work that they have done.

I would concur with the Senator from York, Senator Lovell, that this particular amendment offered by Senator Chapman of Sagadahoc, should be Indefinitely Postponed.

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

Senator CHAPMAN: Mr. President and Members of the Senate: In response to the remarks of the Senator from Androscoggin, Senator Minkowsky, I would like to direct his attention a little further along in that amendment which he quoted from. "No person shall affix or sign his name or any tradename or assumed name in his profession or business with any wording indicating he's an auditor, with any wording indicating that he is skilled, etc., unless he holds a live permit under Section 3990, as a Public Accountant," who holds a certificate which we are in this bill allowing them now to do, which they have not done.

In other words if they are a licensed Public Accountant, or CPA, they can then hold themselves forward to be skilled. At least that's my understanding at this point, that this amendment is merely to remove the attest function. If it is not accomplishing that, that is what I intend to do. If there is further comment, it may be that we should table this until later in the day's session, to check that out, to be sure. I would suggest that somebody might do so.

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

Senator CLARK: Mr. President, I support the adoption of Senate Amendment "A" to Committee Amendment "A", therefore in standing opposing the pending motion of Indefinite Postponement as offered by the Senator from York, Senator Lovell.

Committee Amendment "A" on L. D. 280 is the result of the subcommittee in the Committee on Business Legislation. Perhaps there are those here in this Chamber, who weren't here in 1967. I wasn't either. But in 1967 there was an agreement between Public Accountants in the State of Maine and Certified Public Accountants, which in effect, eliminated eventually in 1974 Public Accountancy or licensing of Public Accountants in the State.

There was a mutual agreement in 1967 and it became effective in 1974. At the same time in the first special session, I believe, of the 106th Maine Legislature, a bill to re-instate Public Accountants was introduced. It was introduced and referred to the Committee on Business Legislation, and at that time, just in case you're interested, a little historical perspective on this measure, the bill was soundly defeated. It was soundly defeated and at that time I did support the re-institution of the Public Accountants in the State of Maine.

It was re-introduced in the 107th Maine Legislature and that bill again was soundly defeated, for what at that time, and even today many of us feel there were logical, reasonable, and appropriate reasons. You see PA is confusing. The initials PA, when we're talking about L. D. 280 refer to Public Accountants. But today, in today's society and the professions we also see

PA following firm names, whether they be a group of doctors, or a group of attorneys, or a group of other professions, and it means Professional Association. As I said to the numbers of lobbyists on this bill, why even my gynecologist has PA after his name.

So I think that PA does have some consumer misinformation lent to it. In the 108th Maine Legislature another bill was introduced which would once again reinstitute Public Accountants in the State of Maine. The reason for that request, for the third time, which by the way was soundly defeated, were many of the reasons that have been offered here on the floor this afternoon by the Senator from Androscoggin, Senator Minkowsky.

Well here we are again in the 109th and another bill has been introduced. Three times an effort has been made to reinstitute Public Accountancy as sort of a mid-level of bookkeeping and accountant services for the citizens of the State. We're facing the 109th and the Committee on Business Legislation said, 'Look! Let's settle this once and for all.' A sub-committee of that committee was formed. They brought the parties of interest together. It was the understanding of the majority of the Committee on Business Legislation that the compromise which is embodied in Committee Amendment "A" to L. D. 280, which is before us, the pink copy under Filing Number H-498, reflected the compromise.

Well we've had a bit of a problem down in Room 135, getting all our various amendments either through our Office of Legislative Assistance or the Office of Legislative Research, because indeed we did have a large number of bills, and an even larger number of amendments. For us on the committee, who accepted the compromise, many of us were under the misunderstanding that the removal of the attest function was contained in the compromise, which is embodied in Committee Amendment "A". I stand before you right now as one of those members of the committee, who agreed to unanimously report out the bill in amended fashion, with Committee Amendment "A".

Much to my surprise, at the very last moment, when we were making a final examination of the bill before it was finally reported out to this body, the attest function was not part of the compromise, which is why I again, am standing before you late this afternoon telling you that I do support the amendment which has been offered by the Senate Chairman of that committee. Because it was my understanding that that was part, in fact, of the compromise which was reached between the Public Accountants and Certified Public Accountants of this State.

Please understand one thing! That is this. That since 1974 there has been no licensing the Public Accountants in this State. In fact, the business community and the consumers of this State whether they be large, small, or somewhere in between have not suffered terribly, have not suffered at all, because there are still Public Accountants who are licensed under the old law, which by the way grandparented them in and allowed them to take without any educational criteria or anything in many instances resembling that kind of criteria the CPA Exam. A number of them, by the way, didn't bother to take advantage of that, or to improve themselves in professional licensing.

Be that as it may. I think it's appropriate when we're talking about professionalism and licensing that we do distinguish keenly between what constitutes a Certified Public Accountant and what will once again constitute a Public Accountant, as confusing as that acumen may be, PA. Just as there is a difference between a person who has a Master's Degree and a person who has accumulated 33 assorted credit hours beyond his or her Bachelor's Degree, so there is a distinct degree in professionalism between Certified Public Accountants and Public Ac-



countants.

It is my understanding and my hope that those who will be licensed under L. D. 280 as Public Accountants will not be satisfied with PA designation, but will indeed have successfully completed 2 of the 5 parts of the CAF exam aspire to the high professional level within that profession, of CPA. They can do so by completing the 3 remaining parts of the CPA Exam, and completing their education requirements as well as their one further year of employment with a CPA firm. I would hope that we would oppose the pending motion on the floor.

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

Senator KATZ: Mr. President, the Senator from Cumberland, Senator Clark's explanation was so completely and so meticulously rational that she even explained the bill to me and won me over. I feel a sense of enormous regret after such a great speech that I must say, apparently the amendment is not in proper form. I would hope that somebody would table this for 1 day.

On motion by Senator Chapman of Sagadahoc, Tabled for 1 Legislative Day, pending the Motion by Senator Lovell of York.

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

#### Enactors

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

An Act to Expand the State's Program to Promote Apprenticeships. (S. P. 354) (L. D. 1102)

An Act to Permit a Resident of an Intermediate Care Facility or a Skilled Nursing Facility who Receives Aid for the Medically Needy or Aid for the Categorically Needy to Give \$210 a Month from his Income to a Dependent Spouse. (H. P. 1054) (L. D. 1305)

An Act to Revise the Medical Examiner System. (H. P. 1151) (L. D. 1533)

An Act to Create a Special Commission on State Mandates Imposed on Local Units. (H. P. 1083) (L. D. 1350)

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

An Act Concerning Gas Tax Refunds. (S. P. 150) (L. D. 327)

An Act to Revise the Law Relating to Motor Vehicle Operators' Licenses. (H. P. 618) (L. D. 759)

On motion by Senator Emerson, of Penobscot, Placed on the Special Highway Appropriations Table, pending Enactment.

An Act to Increase the Dollar Amount of an Accident That Must be Reported to the Secretary of State from \$200 to \$300. (H. P. 636) (L. D. 787)

On motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Enactment.

An Act Relating to Appointment of Local Plumbing Inspectors in the Unorganized Townships. (S. P. 378) (L. D. 1158)

An Act to Clarify the Consent Requirements for Adoptions. (S. P. 455) (L. D. 1385)

An Act to Amend the Statutes Governing Vocational Regions. (S. P. 402) (L. D. 1266)

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

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

An Act to Prohibit Rate Discrimination by Public Utilities. (H. P. 837) (L. D. 1041)

An Act to Exempt Farmland from Sewer Assessments When the Land Receives no Benefit from this Construction. (H. P. 960) (L. D. 1185)

An Act Relating to Personnel Records of Employees of the State and its Political Subdivisions. (H. P. 666) (L. D. 826)

An Act Concerning the Adoption of Management Plans by the Commissioner of Marine Resources. (H. P. 912) (L. D. 1120)

An Act to Permit Optional Credit Life Insurance for the Comaker of a Debt. (H. P. 929) (L. D. 1142)

An Act Concerning Preservation Interests under the Property Laws Pertaining to Preserving or Restoring Historic Property. (H. P. 1212) (L. D. 1500)

An Act to Provide Special Free License Plates for the 100% Disabled Veteran. (H. P. 1174) (L. D. 1436)

An Act to Increase the Short-term Investment Capabilities of the State. (H. P. 1048) (L. D. 1306)

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

An Act to Clarify the Provisions Relating to Hearings on Juvenile Crimes and to Establish an Experimental Program for Education and Counseling of Juveniles. (H. P. 1375) (L. D. 1601)

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

Senator TRAFTON: I now move the Indefinite Postponement of this bill and all its accompanying papers, and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TRAFTON: This bill has been moving along fairly smoothly, but I don't think we've had a chance to really look at it. I would hope that you would have a chance to turn to the amendment which has now become the Bill.

My concern is that if Enacted, this bill would have a very discriminatory affect on juveniles who are facing or have faced adjudication. If you'll look at the amendment, you can quickly see the effect that this would have.

If a juvenile has parents who are concerned about that juvenile and who are willing to attend with that juvenile certain educational programs, then the juvenile's name will not be released to the press. There will be no public humiliation for the family and the juvenile. However, if the juvenile comes from a family which does not have this close relationship, and the parents aren't interested in the juvenile, and if the parents aren't willing to attend these certain educational programs, then the name will be released to the press. I think this is an unfair bill and I hope you will join with me in voting to Indefinitely Postpone it.

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

Senator COLLINS: Mr. President, earlier in the session, we enacted a bill that would have opened to public scrutiny after adjudication of juvenile crimes in the D and E categories unless the Judge were willing to state a reason into the record as to why that should not happen.

That bill was vetoed by the Governor. The veto was sustained. This bill had its origins partly because of the same policy interests that the Legislature supported in the previous bill, but also it had another reason which is reflected in the bill and the amendment. Namely, to try to provide the court with some additional leverage for getting parents involved.

We've heard a great deal in the last couple of weeks from the Senator from Cumberland, Senator Gill, and others about getting parents involved with teenagers. Senator Gill's bill would put a sort of Damocles of one type over a teenage situation. This puts a sort of Damocles of a different type over another teenage situation. It offers as a reward that you don't get into the press, if the parents will pitch in and take a course and participate with their young-

ster in trying to work out something that maybe in the nature of restitution, or it may be in the nature of education, or whatever. In any event there is a rational plan here.

This is set up as an experiment. We realize that things like this are not necessarily successful, but on the other hand, we realize that our juvenile crime situation continues to get worse. When a rational experiment appears, sometimes it's well to take a look at it and to try it. In this case, there's a limited period in which this experiment would take place, and then it would be over. Then we would have to take another look to see whether we wanted to try anything further.

There is also a limited geographical area, namely 2 juvenile courts that would undertake this experiment. So it comes to us very clearly as an experiment. If it were to turn out to be as the Senator from Androscoggin, Senator Trafton, suggests something that rewards the people with good parents and does not help those with bad parents, then it might well be something to throw out on grounds of unfairness.

I submit to you that is worth the experiment, because if we don't experiment and try to find better ways of coping with juvenile crime, we're not really doing our duty in an area that continues to get worse. I hope you will vote No on the pending motion.

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

Senator CONLEY: Mr. President and Members of the Senate: I appreciate the remarks made by the good Senator from Knox, Senator Collins. I honestly inquire in mind as to whether or not there is such a thing as equality of justice under the law.

I come from a community that is extremely rich with children, extremely rich with public housing units. I don't see too many of them around the State but I can tell you that the citizens of Portland have done more than their "fair share" to use an old cliché, in trying to provide decent and adequate housing for people, particularly underprivileged people. Those who suffer from broken homes, those who are left without a mother in some cases, or a father in another. With the parent, the single parent of the household is generally employed and trying to provide enough to meet their means of raising their children. Somewhere along the road whether you have 12 children, whether you have 3 children, whether you have 2 children, occasionally you get a child that acts a little bit not quite normal as we'd like to have them act, as far as their behavior is concerned.

What about the striving of that young mother or the striving of the young father who tries to provide and because of his employment, whether he has to work 1 job or 2 jobs to meet the means, and a child gets out of line? Are we going to use this particular law before us today to discriminate against that individual, that youngster who is still of an age where he is probably not yet mentally matured to recognize exactly what is expected of him in life?

Does it serve any justice? Does it serve any good whatsoever to publicize this young individual's name in the press? Or do we further bring the pressures of the community upon him by just further emphasizing to him that he's no good, he's a misfit to society. Do we do anything with the passage of this legislation to try to show him the right way or the right role?

I personally think it's a step in that direction. I think it's a bill that clearly discriminates against those of us who have not made it well in the economic circles of this State. Therefore I would ask that the Senate support the motion made by the good Senator from Androscoggin, Senator Trafton.

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

Senator DEVOE: Thank you very much, Mr. President. I oppose the motion by the Senator

from Androscoggin. I'd just like to tell you why briefly.

We all recognize the juvenile problem that we face, and the District Court Judges face day in and day out is of tremendous proportions. I think that the bill as it is represented in House Amendment "A" with Filing Number of H-477 deserves a chance to see whether it will work. If you will notice in the last section of the bill, the Chief Justice is given the power to designate prior to January 1, 1980 2 juvenile courts to undertake programs under this act.

Perhaps some of what the good Senator from Cumberland, Senator Conley has said is true about the law being discriminatory against certain juveniles, or that some juveniles may not be treated very 'even handedly'. But I submit that this bill as we now have it is a good faced, genuine effort to see if something can work. It is limited to the juveniles who have already been adjudicated more than once, first time offenders, no, but second or more, they are entitled to come under this section.

I would urge the Senate to defeat the pending motion of the Senator from Androscoggin, pass this bill, and let's see if an innovative program can work and can have some benefits for juveniles. Thank you very much, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

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

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

13 Senators having voted in the affirmative and 14 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: I move this item lie on the Table until later in today's session, pending Enactment.

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

Senator KATZ: May I ask if the Tabling Motion was relative to the matter which was just debated?

The PRESIDENT: The Chair would answer in the affirmative.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling this item until later in today's session, please rise in their places to be counted.

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

11 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to Table does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President it's my understanding the pending question before the Senate is the Enactment of this piece of legislation?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: Mr. President, when the vote is taken, I request it be taken by the Yeas and Nays. I would ask members of the Senate, to review the bill as the Roll is being called, because I think it is a very clear cut piece of legislation that discriminates against the vast majority of youngsters in this State. I don't think it would serve in the best interest of any parent in this State.

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

Senator FARLEY: Mr. President and Members of the Senate: This is not usually the type of legislation I get that involved in. But I've seen this bill going on its way and I thought at some point and time that its longevity would run out and we'd finally defeat this thing at Final Enactment.

I think last week when we had the bill before us about the "Good Time" and the "Merit Time" and all this, I think you all know what my position was. But I'll tell you the reason for my taking the position on this particular bill, the position that I do.

A few years ago the Federal Government and the State Government decided to get into the housing for the low income. What we did in the process is we corralled all these low income people in one area, instead of putting one over here and one over there, next to maybe some responsible parents and maybe some responsible kids. We didn't have to stereotype them.

The way it is now, when these kids get to be a freshman and sophomore in high school, I don't care if they're good kids or bad kids. They live up in that housing development, well we don't want anything to do with them. So they all start congregating together and sure enough the bad habits that some of them have are passed on to the good kids. They run as a gang. They get in trouble. If one of them gets in trouble, let's run up there and round them up, they must be up there.

Now if you want to break away from this, the situation is bad enough as it is. You start taking some of the things, you know, we used to all steal apples, it was a joke. Today they pick them up, throw them in the squad car and take them down to the station, and they are booked. Two times he gets caught stealing apples, the third time he gets caught stealing a buck and a half, his name's in the paper and you've got a criminal on your hands.

I just think we're making a very, very terrible mistake. I think in some cases, yes, but you can't put a law like this on the books for a few kids that covers everybody.

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

Senator TRAFTON: Mr. President and Members of the Senate: The bill that we had before us several weeks ago is a much different bill than we have before us this morning. I supported what was before us originally, because that bill gave discretion to the Judge. I think that in many cases release of juvenile's names can be used effectively to prevent them from further crime; and I like to remember the story of Judge Danton who came before our Committee and told how he had used the release of a juvenile's name in a bomb scare threat, and it had been so effective that the school had not had any further bomb threats.

So I think that giving the Judge discretion to release names in D and E crimes can be very useful. What I'm concerned about in this bill is a very unequal application of the release of names. It does not hinge on whether the Judge feels it would be appropriate or rehabilitative. It hinges merely on the fact of whether that child's parents are concerned and willing enough to go to certain specified educational programs. It does not hinge on whether the child himself or herself is willing to go to those educational programs, but whether the parents are willing to go. I've dealt enough with juveniles who have different kinds of family situations to realize exactly who this bill will bear hardest on. It will bear hardest on those kids whose parents don't care and that's why they're involved in crime originally. This further exasperates the problem. I think it's clearly discriminatory. I hope you would find it in your hearts not to pass this today.

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

Senator FARLEY: Mr. President and Members of the Senate: I'd like to tell a story here that's a little personal, I guess. It happened about a year ago or so ago. Two boys that I know very very well and another friend of their's, who at that time, had a BB Gun, all under 14 years of age, I might add, which is illegal to do.

These two boys that I know very well both have a paper route, get up at 5:30 in the morning, de-

liver papers, both of them are altar boys, who invariably once every month they have the Mass to serve. They're pretty good kids, I think. They saved their paper money, went out and bought a BB Gun. The man at the store sold it to them, which he had no right in doing.

Well they got smart, got some BB Guns, and blew out a few light bulbs on the poles. Today light bulbs aren't that 39¢ type you put in any more. Sure enough they got caught. Down to the station they went. The policemen brought them home, and their parents were there to see the 2 boys. I'll tell you the parents were waiting for them. I'll tell you the 2 boys, they delivered papers, did a lot of other odd jobs. But I'll tell you, they paid for those light bulbs. Now that's one offense, 2 more, like I spoke to you about picking an apple or something, some guy wants to file a complaint. Now I'll tell you those are good kids. They're not going to ruin their lives by putting their names in a paper, after this bill is passed.

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

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

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

The pending question before the Senate is Enactment of L. D. 1601.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

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

NAY — Carpenter, Clark, Conley, Cote, Danton, Farley, Huber, Martin, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher.

ABSENT — Hichens, McBreaity.

A Roll Call was had.

16 Senators having voted in the affirmative, and 14 Senators in the negative, with 2 Senators being absent, L. D. 1601 is passed to be enacted.

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

An Act Relating to Abortions. (H. P. 1394) (L. D. 1612)

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

Senator TRAFTON: Mr. President, I think we've had enough debate on this issue. I would ask for a Roll Call on Enactment.

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 requested.

The pending question before the Senate is Enactment of LD 1612.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Carpenter, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Martin, Minkowsky, O'Leary, Pierce, Pray, Redmond, Silverman, Sutton, Teague, Trotzky, Usher.

NAY — Chapman, Clark, Collins, Huber, Katz, Lovell, Najarian, Perkins, Shute, Trafton.

ABSENT — Hichens, McBreaity.

A Roll Call was had.

20 Senators having voted in the affirmative, and 10 Senators in the negative, with 2 Senators being absent. L. D. 1612 is passed to be enacted.

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

Senator CARPENTER: Having voted on the prevailing side, I move reconsideration, and hope you'll all vote against me.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves the Senate reconsider its action whereby L. D. 1612 was 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 Bill, having been signed by the President, was by the Secretary presented to the Governor for his approval.

An Act Providing Additional Funds to Acquire Land for a Passenger Terminal, Transfer Bridge and a Parking Area for the Casco Bay Ferry Service in Portland and to Provide Funds for their Construction. (H. P. 199) (L. D. 248)

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

#### Emergency

An Act to Make Certain Adjustments for Legislative Personnel as a Result of Collective Bargaining. (S. P. 564) (L. D. 1626)

#### Emergency

An Act to Exempt Certain Transportation Statutes from the Maine Administrative Procedure Act. (S. P. 445) (L. D. 1365)

#### Emergency

An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1980 and June 30, 1981. (S. P. 492) (L. D. 1532)

#### Emergency

An Act to Monitor the Juvenile Code. (H. P. 892) (L. D. 1080)

#### Emergency

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

These being emergency measures and having received the affirmative votes of 28 members of the Senate, with 1 Senator voting in the negative, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1979. (H. P. 1417) (L. D. 1621)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, with 1 Senator voting in the negative, was Finally Passed, 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:

#### Papers from the House Non-concurrent matter

Bill, "An Act to Permit Performing Arts Centers to Serve Alcoholic Beverages." (H. P. 252) (L. D. 297)

In the House, March 8, Passed to be Enrolled, as amended by Committee Amendment "A" (H-60) and House Amendment "A" (H-69).

In the Senate, May 23, Passed to be Enrolled, as amended by Senate Amendment "A" (S-129), in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator CHAPMAN: I move that the Senate Recede and Concur.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, moves the Senate Recede and Concur.

Is this the pleasure of the Senate?

The Motion Prevailed.

#### Non-concurrent matter

Bill, "An Act to Amend the Unit Ownership Act." (S. P. 429) (L. D. 1377)

In the Senate, May 24, Passed to be Enrolled, as amended by Committee Amendment "A" (S-222), as amended by Senate Amendment "A" thereto (S-236), and Senate Amendment "A" (S-237).

Comes from the House, Passed to be Enrolled, as amended by Committee Amendment "A", as amended by Senate Amendment "A", thereto, in non-concurrence.

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

Senator PIERCE: I move the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

#### House Paper

Bill, "An Act to Provide Compensation and Benefits Agreed to be the State and Council 74, American Federation of State, County and Municipal Employees, (AFSCME) for Employees in the Institutional Services Bargaining Unit." (H. P. 1445) (L. D. 1644)

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs, and Ordered Printed, in concurrence.

#### Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out a bill, "An Act Extending the Time for Apportionment of County Taxes to June in the Year 1979," to the House. (H. P. 1444)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Order

On motion of Senator O'Leary of Oxford, Co-sponsors Senator Devoe of Penobscot, Senator Shute of Waldo and Senator Danton of York,

ORDERED, that Senate Rule 39 be repealed.

Which was Read.

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

Senator TRAFTON: Mr. President and Members of the Senate: It's my understanding that Rule 39 is that very rule that we passed just a few short months ago in this session, which has been so well received in this Body. I would certainly ask for a Division on this. I think it would be a shame to repeal it before we've had a chance to see it's true effect.

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

Senator O'LEARY: The true effect of Rule 39 is that when some of my votes are needed like those of the Senator from Aroostook, Senator Carpenter, this morning on one bill, we would have been the deciding votes, we happened to be in the Minority Floor Leader's Office, belaboring cigarettes. I notice at this time of the year the windows are open. I'd like to stay in here and do my job as I'm supposed to. I enjoy a cigarette now on occasions. I ask for a Division.

The PRESIDENT: A Division has been re-

quested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I think it would be a great idea if the good Senator from Oxford Senator O'Leary would stay out of my office while we're in session.

Secondly, I think it's an even better idea if he stayed in his seat so that we could have that extra vote when we need it. I look upon the 3 angels I have in the front row here. I know how their lungs get cluttered up, even though the good Senator from Portland, Senator Najarian doesn't mind one bit, my concern is for those individuals in this body who may find my blowing my pirrody smoke down their necks offensive.

I don't think there's anyone in this Body that smokes more than I do. Its just as convenient for someone to step right in this corridor here and keep their eyes on what's going on in the Senate. I'd get some aspirin if I had a cold like that, and leave the cigarettes alone for awhile. But I think it's being extremely offensive to some people who are dead serious on "No Smoking" here.

I even noticed that we took Leave of the Absence of the good Senator from York, Senator Hichens, who is a sure conformist to the ways of life, that most of us perhaps should try to emulate. I would hope that this order is jointly defeated.

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

Senator KATZ: Mr. President, I'm taken aback to see this in front of us, but I certainly appreciate the opportunity to vote on this for the first time, which was passed in my absence.

But one thing does disturb me. The Minority Leader is so reasonable when he says to step out for a cigarette quickly. But may I pose a question through the Chair to the Senator from Penobscot, as to how he has a quick pipeful out in the corridor during the session.

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

Senator DEVOE: Thank you, Mr. President. It is impossible to have a quick pipeful. Many of us have become parapetic Senators. We are walking around in the halls and the various offices, finding refuge and it's distracted from our performance of the duties with our constituents sent us down here to do. Thank you very much, Mr. President.

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'm shocked, dismayed and even appalled that I would not notice that sneaky attempt Item 4-1 on Supplemental Senate Journal #3. Evidently I too have been negligent. I would respond to the gentlemen from Penobscot, Senator Devoe, that perhaps he should place his priorities in a different order, service to his constituency first, and addition to that nauseous pipe second.

On a personal note it's not my lungs, Members of the Senate, that the smoke bothers, it's my eyes. We have tried fairly to suspend Joint Rule 39, particularly on those afternoons when fatigue prevails, just before the weekend. I would hope that this Order would not pass this afternoon.

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

Senator DANTON: Mr. President and Members of the Senate: I have been many years in this Chamber, enjoying a nice Pall Mall. I quit smoking last fall prior to getting sick, so don't think I quit smoking just when I got sick. I quit way before that. I'm sick and tired of sitting here trying to catch up on my work and having my Minority Leader ask me where my seatmate, Senator Farley is.

That has made me very nervous, Mr. Presi-



dent and Members of this Senate. In fact that makes me more nervous than anything else in this Chamber. Even some of the dirty looks I get from you, Mr. President, for not being able to have a few drags while you are sitting up there. I would hope that this Senate Chamber would vote to pass this order. Smoking doesn't bother me. I feel sorry for the good Senator from Cumberland, Senator Clark, if it bothers her eyes, but that's why we put her up front because smoke rises. When you sit here in the back row you're sitting a little higher. You're elevated, so it doesn't bother her down there as much as it does me here.

I think we should pass this order. We look around for Senators. They're all out in the hallways. Many times we loose an issue here by one vote. I think someone took a count of how many Senators smoke out of 33. It's the absolute minority, absolute minority. That's why I lended my name to this order. You'd be surprised what the minority leader called me for taking and lending my name to be put on this order. I'm not going to mention it, but you know he hasn't been very kind to me lately. He should have a little patience with me. I'm back here trying to do my job, and he's been picking on me lately on this smoking issue.

So I would hope today we would do away with this Order. We would pass this Order, get rid of that Joint Rule 39. The smoking doesn't bother anyone, certainly doesn't bother me. Seeing how Senator Katz is here, I know he likes to enjoy a nice big cigar every now and then. He wasn't here to vote when we passed it the first time. We all make mistakes. I voted for it the first time. I've changed my mind. I want to do away with it, and let those 3 or 4 Senators that like to enjoy a cigarette or a cigar enjoy it in this Chamber and have them here to vote when we need their vote.

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

Senator CLARK: Mr. President and Members of the Senate: It's happened again you know. That handsome good man from York, Senator Danton, is speaking for me even after I already told you that it's not my lungs that the smoke bothers. It's, in fact, my eyes.

I'm glad he can tell you that your smoking doesn't bother me. Would you listen to me please? Your smoking does bother me very much. I'm sorry if I wish to impose my concern for my eyes or my health on you. I don't wish to burden you, but I also wish to enjoy and to serve my constituents.

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

Senator LOVELL: Mr. President, and Ladies and Gentlemen of the Senate: For 50 or 60 years we have had spittoons in here. For the last 50 years we've had smoking. Now we get in 4 lovely ladies, and we pass a no smoking bill. It doesn't bother me in particular, but I know it must bother some of you a great deal. So I would suggest that the good Senator from Cumberland take off her glasses and maybe it won't bother her eyes.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: My history with this legislation or this order and legislation we've had before goes back to the previous session when I was on the Health and Institutional Services Committee.

At that time I was a lone minority of 1 which signed out a bill Ought Not to Pass, dealing with smoking in public. Previously when we had the Joint Rule 39 offered, I opposed the adoption of that. Sometimes we really don't see what we're missing until something happens. I think as the Senator from Androscoggin, Senator Trafton, mentioned, give it a chance to see the true effect.

The good Minority Floor Leader stated that

nobody smokes more than he. I challenge that. If anybody does it's my other seatmate. As an individual who has never smoked in his life, and now that we have passed Joint Rule 39, I find that there is clear air. I think that perhaps the Rule was kind of good. So I'm going to change my position and go along against this Order, and attempt to change it. Now that I've had a chance for the smoke to clear, I've kind of seen the light.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I'd like 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.

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

Obviously less than one-fifth having arisen, a Roll Call is not ordered.

A Division has been requested.

Will all those Senators in favor of the Passage of this order, please rise in their places to be counted.

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

16 Senators having voted in the affirmative, and 15 Senators in the negative, this Order is Passed.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I now move reconsideration whereby we passed this Order.

The PRESIDENT: The Chair would inquire if the Senator voted on the prevailing side.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, it's my understanding there was no Roll Call taken. There would be a question before the Senate as to whether or not the good Senator from Androscoggin, voted one way or the other.

The PRESIDENT: Not in the mind of the presiding officer.

#### Committee Reports House Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Provide for a Self-insurance Fund for State Elementary and Secondary School Property." (H. P. 1183) (L. D. 1525)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Establish a Work Experience Training Program within the Department of Manpower Affairs." (H. P. 1028) (L. D. 1288)

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.

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

#### Communication

#### COMMITTEE ON BUSINESS LEGISLATION

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 Maine Legislature, the Joint Standing Committee on Business Legislation has had under consideration the nomination of H. Donald DeMatteis to the position of Superintendent of Banking.

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 — 2

Representatives — 9

NAYS:

Senators — 0

Representatives — 0

ABSENT:

Sen. Ault, Rep. Brown

11 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 H. Donald DeMatteis to the position of Superintendent of Banking be confirmed.

Sincerely,

JOHN CHAPMAN

Senate Chairman

ROBERT HOWE

House Chairman

Which was Read.

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

Senator CHAPMAN: Mr. President, and Ladies and Gentlemen of the Senate, you have before you a resume of H. Donald DeMatteis, who is the nominee of the Commissioner of Business Regulation to serve as Superintendent of Banking. The Committee on Business Legislation held the confirmation hearing this afternoon. There were no people there in opposition, and both the Maine Banker's Association and the Savings Bank Association spoke in favor of this nomination.

Mr. DeMatteis is presently Senior Vice President of the Canal National Bank. Since that's a Federally Chartered Bank, not subject to State jurisdiction, there is no conflict of interest here. The Committee was impressed with his qualifications and would urge the Senate to support the Committee's vote.

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

Senator PIERCE: Mr. President and Members of the Senate: I think the new system with which we are now under is a good one. I had the pleasure along with Senator Chapman and now Senator Clark of serving on the first committee who considered the nominee and it was at the time, the Superintendent of Banking.

The only failing I see of the Committee is that it doesn't leave much time to recognize perhaps some of those people who go out of jobs, instead of coming into them, who do an admirable job. At this time I'd just like to take a moment, as the Chairman of the Committee who confirmed the first nominee, John Durham, to this very position we're talking about today, who I think has served an admirable way, has done a good job, it's a very difficult position whether you're talking about coming from a commercial banking point of view or a savings banking point of view or credit union, etc., etc. It's never an easy task to get someone who is both qualified and who can be fair to all sides.

I think John has done a good job. I do want to, on the record, publicly commend him for his service. I'm only sorry that I think probably the salary range which we have to deal with in that job, under the old circumstances was not one which was able to keep him there. I think that situation probably speaks for itself, but I do want to publicly say a thank you to John Durham. Thank him for serving the people of Maine well in that position.

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

Senator FARLEY: Mr. President and Members of the Senate: Very very, briefly, to follow up what the good Senator from Kennebec, the good Senator Pierce. When John Durham was

first appointed to this Commissioner of Banking I was the lone member of the committee that did not support his confirmation. I have seen the errors of my ways since then. I would like again to say, that I would thank John Durham for doing a very, very, fine job also. Which was Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Business Legislation has recommended that the nomination of H. Donald DeMatteis 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, Danton, Devoe, Farley, Gill, Huber, Katz, Lovell, Martin, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT — Emerson, Hichens, McBreaity. No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent 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 H. Donald DeMatteis is confirmed.

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

Senator KATZ: Mr. President is the Senate in possession of L. D. 1396, "An Act Pertaining to the Forestry Laws?"

The PRESIDENT: The Chair would answer in the affirmative.

Senator KATZ: Mr. President, I move that the Senate reconsider it's Passage to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate reconsider it's action whereby this bill Make Substantive Changes in the Forestry Statutes., (H. P. 1126) (L. D. 1396) was Passed to be Engrossed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would inquire if it's the reconsideration under suspension of the rules?

The PRESIDENT: The Chair would answer in the negative, this bill does not require the rules be suspended.

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

It is a vote.

On motion by Senator Katz of Kennebec, the Senate voted to reconsider it's action whereby it Adopted Committee Amendment "A".

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

Senator REDMOND: I present Senate Amendment "B" to Committee Amendment "A", and moves it's adoption.

Senate Amendment "B" (S-254) Read.

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

Senator CONLEY: Mr. President, I wonder if the good Senator from Somerset, might explain exactly what we're deleting from the bill.

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

Senator REDMOND: Mr. President and Members of the Senate: It would do me great pleasure to explain to the honorable Senator from Cumberland, what this part of the amendment is doing.

Yesterday I presented one amendment and it failed to be accepted by the Senate. In that amendment it had not been discussed but there was another part in there that the Department of Conservation was requiring. It had to do with burning of debris. That affected Section 2436A of the Maine Revised Statutes. In the original bill they were taking out the part which I'll read it for You: "For the purpose of this section debris shall be defined as manufactured product, household rubbish, hay or other vegetative accumulation of materials". In Title 12, Section 1551, "no person, firm or corporation, shall burn debris out of doors, other than when the ground is covered with snow, except between the hours of 5 and 12 midnight".

So what this amendment is doing, it's restoring this to the original way it was before. If anyone wants to burn debris, when there's no snow on the ground, they get a permit from their municipality or whoever the powers may be and this returning the law the way it was before.

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

Senator O'LEARY: Mr. President, when I see this amendment on my desk this morning, I was concerned. I looked at the statutes, such as perhaps the good Senator from Cumberland, Senator Conley. After I checked all the statutes, I was in agreement with the amendment.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "B".

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: As I understand and I may be in error, but as I understand the amendment this amendment deletes the section which took out sub-section 2436A. If that is correct, in other words, it's going to leave this into the statutes as is presently written, this also doesn't only deal with the brush as the Senator referred to, but refers to debris which includes among other things, manufactured products, household rubbish, and others. It goes onto list the things that he named. I would just question as to whether or not this isn't already taken care of in other sections of the statutes, which relates to open burning dumps.

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

Senator REDMOND: This amendment that I'm presenting has been checked out with the Department of Conservation. They want it. The Senate Chairman of the Committee on Energy and Natural Resources wants this. He's satisfied with it. As I have previously mentioned, it's just taking out the bill that part that was amending the old law.

Senator O'Leary has mentioned he checked it out. I guess all those concerned are satisfied. I hope that you'll accept the amendment.

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Adoption of Senate Amendment "B".

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