

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

June 5, 1979

Senate called to order by the President.

Prayer by the Honorable Dana C. Devoe of Orono.

Senator DEVOE: Heavenly Father, give us the grace to think of your work, as we use the skills you have given us, to do the work for the people of the State of Maine. Amen.

Reading of the Journal of yesterday,

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

Recess

After Recess

The Senate called to order by the President.

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

Bill, "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime." (S. P. 2) (L. D. 2)

In the Senate May 31, the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-257).

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

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

Senator CONLEY: I move the Senate Adhere.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move the Senate Insist and Request a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Insist and Ask for a Committee of Conference with the House.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, because of the keen interest of the Senator from York, Senator Danton, I would appreciate any advice he might give us as to what he might do at this point.

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

Senator DANTON: Mr. President and Members of the Senate: What I'd like to do is to get this bill back in the other body. I think this is a bill that's very badly needed, in this State, throughout this State.

Just last weekend in my area, there was drinking going on. It was just terrible they were walking around with sledge hammers breaking windows, down in my area. When you see people sitting on a motorcycle, in their saddlebags they have ice cubes and cold cans of beer. They sit on their motorcycles and reach in and get a cold can of beer, and drink a beer. The Police Officers can do nothing, but give them a civil infraction, a summons to court, which is absolutely nothing, I think it's time we did something for the decent people in the State of Maine.

After all it's getting to the point, where you can't walk the streets any more, let alone men, especially the women can't walk the streets any more.

I think we should Adhere on this bill. We should get it in the other Body. We should go out and lobby this bill. Explain this bill. Here's what we've done. The title is very misleading. This bill has been amended. All it says there will be no drinking in public places such as highways, streets, roads, lanes and sidewalks. Now I don't think that's asking too much.

We've eliminated parks, we've eliminated the bottle clubs that some people were concerned about. This is really a very, very, simple bill, the way it's been amended. I would hope you would vote with me to Adhere. Get it in the other Body and see if we can lobby this and get it passed. It's really needed in this State.

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

Senator CONLEY: Mr. President, it's obvious that the good Senator from York, Senator Danton feels extremely strongly about this bill. I'm not sure that perhaps if we do join in a Committee of Conference, we might be able to get some give and take down in the other Body. So perhaps that might be the best route to go.

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

Senator FARLEY: Mr. President and Members of the Senate: Staying pretty close to this piece of legislation, I would hope that you would vote against the motion to Adhere. There's no way that they're going to accept that.

There is a position that I think we can find. Some of the people that I talked with had strong opposition to this bill. I would hope that we would get a Committee of Conference on it. I think we can get the right amendment to satisfy all concerned.

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

Senator DANTON: Mr. President, there are times when I have to take the advice of other Senators. This is one time that I will. In order to try and save this bill, because it's needed. We have to do something. I don't think that the other Body should be as unreasonable as it has, I will withdraw my motion.

The PRESIDENT: Is it the pleasure of the Senate to Insist and Ask for a Committee of Conference, with the House?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Clarify the Liability of Employers under the Workers' Compensation Act." (S. P. 338) (L. D. 999)

In the Senate May 30, Passed to be Engrossed as amended by Committee Amendment "A" (S-249).

Comes from the House, Passed to be Engrossed as amended by House Amendment "B" (H-596), in non-concurrence.

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

Senator KATZ: I move the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act Relating to License Fees for Dogs." (H. P. 775) (L. D. 977)

In the Senate May 31, Passed to be Engrossed as amended by Committee Amendment "A" (H-515), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-617), in non-concurrence.

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

Senator HICHENS: I move the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from York,

Senator Hichens, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property." (H. P. 982) (L. D. 1162)

In the House May 23, Passed to be Engrossed as amended by Committee Amendment "A" (H-466).

In the Senate May 29, Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Senator TEAGUE: I move we Adhere.

The PRESIDENT: The Senator from Somerset, Senator Teague moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move the Senate Recede and Concur with the House.

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

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.

13 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to Recede and Concur does not Prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move that the Senate Insist and Request a Committee of Conference.

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I'd like a Division on that motion.

The PRESIDENT: A Division has been requested.

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

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

19 Senators having voted in the affirmative, and 8 Senators in the negative, the Motion to Insist and Ask for a Committee of Conference does Prevail.

Non-concurrent Matter

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)

In the Senate May 30, Passed to be Engrossed as amended by Committee Amendment "A" (S-235).

Comes from the House, Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

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

Senator KATZ: I move the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

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

In the Senate May 30, Passed to be Engrossed as amended by Committee Amendment "A"

(H-494), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-634), in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act to Establish a Maine Labor Relations Law." (H. P. 1269) (L. D. 1551)

In the House May 31, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-538) as amended by House Amendment "A" thereto (H-570).

In the Senate June 1, the Minority "Ought Not to Pass" Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator CONLEY: Mr. President, I move the Senate Recede and Concur with the House.

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

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 Senator opposed, please rise in their places to be counted.

10 Senators having voted in the affirmative, and 18 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.

Non-concurrent Matter

Bill, "An Act to Encourage the University of Maine Law School to Offer Extension and Evening Programs for Part-time Students." (H. P. 1237) (L. D. 1495)

In the House May 31, Passed to be Engrossed.

In the Senate June 1, the Majority "Ought Not to Pass" Report Read and Accepted, in non-concurrence.

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

The SPEAKER: The Chair recognizes the gentleman from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I suggest we face the inevitable and I move to Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Adhere.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I request a Roll Call.

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

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

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

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that the Senate Adhere.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Collins, Conley, Danton, Devoe, Emerson, Hichens, Huber, Katz, Lovell, McBreaity, Minkowsky, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trotzky.

NAY — Ault, Chapman, Clark, Cote, Farley, Gill, O'Leary, Pray, Trafton, Usher.

ABSENT — Martin, Najarian.

A Roll Call was had.

Senator Clark of Cumberland was granted permission to change her vote from No to Yes.

Senator Chapman of Sagadahoc, was granted permission to change his vote from No to Yes.

Senator Cote of Androscoggin was granted permission to change his vote from No to Yes.

23 Senators having voted in the affirmative, and 7 Senators in the negative, with 2 Senators being absent, the Motion to Adhere does prevail.

Non-concurrent Matter

Bill, "An Act Relating to the Acquisition and Ownership of Real Property by Aliens and Businesses of Foreign Countries." (H. P. 976) (L. D. 1261)

In the House May 30, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-548).

In the Senate May 31, the Minority "Ought Not to Pass" Report Read and Accepted, in non-concurrence.

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

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

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

The PRESIDENT: The Senator from Knox, Senator Collins moves the Senate Adhere.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I move the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves the Senate Insist and Join in a Committee of Conference.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: This bill was fairly well debated, the other day. I suggested when it went back down to the other body, that perhaps we might be able to put together something so that we could at least look at this problem and see how much of a problem we have in the State of Maine and look at what the potential might be for years to come. So that perhaps for a change the Legislature might not be a reactive Legislature 20 years down the road, but in fact might take some calm reasonable steps toward preventing a problem. So I would hope that we would go along with the motion this morning to Insist and Join in a Committee of Conference and see if there is a common ground where we can work on at least looking at this problem and trying to evaluate if we do have a problem or what the potential might be. If we vote to Adhere, and kill this bill this morning and we have no idea what the problem is and we have no mechanism to go forward and see what the problem might be in the future.

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

Senator COLLINS: Mr. President, I hope that you will vote No on the pending motion. The areas of compromise and new grounds were very thoroughly explored in work sessions in which the Committee invited the sponsors of the bill in. While I think that we all would like to minimize the amount of foreign investment in Maine's agricultural land, the constitutional problem and the international relations problems are not going to change by having a Committee of Conference.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray that the Senate Insist and Join in a Committee of Conference with the House.

Will all those Senators opposed, please rise in

their places to be counted.

9 Senators having voted in the affirmative and 20 Senators in the negative the motion to Insist and Join in a Committee of Conference does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

Under Suspension of the Rules, on Motion by Senator Katz, of Kennebec, all items previously acted upon were sent forthwith.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

The Town of Farmington has been selected to receive the National Arbor Day Foundation's Tree City U. S. A. Award for 1979 . . . (H. P. 1472)

James Angelosante, who graduated from West Point in the class of 1979, was the first person from Old Orchard High School to complete training at the Military Academy . . . (H. P. 1464)

Comes from the House, Read and Passed.

Which were Read and Passed in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs Report out a Bill for funding of a training program for Pratt and Whitney employees. (H. P. 1485)

Comes from the House, Read and Passed.

Which was Read.

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

Communications

HOUSE OF REPRESENTATIVES

June 1, 1979

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

The Speaker appointed the following Conferrees to the Committee on Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Concerning Arbitration Involving Municipal Fire and Police Departments" (H. P. 1191) (L. D. 1463)

Mr. TUTTLE of Sanford
Mr. NADEAU of Lewiston
Mr. McMAHON of Kennebunk

Respectfully,
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

HOUSE OF REPRESENTATIVES

June 4, 1979

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

The House voted today to Adhere to its action whereby it indefinitely Postponed Bill "An Act Establishing Mechanisms to Pinpoint Responsibility and Facilitate Coordination Between the Various Manpower Training and Economic Development Programs" (H. P. 1418) (L. D. 1622)

Respectfully,
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

HOUSE OF REPRESENTATIVES

June 4, 1979

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

Dear Madam Secretary:

The Speaker appointed the following Conferes to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Protect Management Personnel Where Unjustly Discharged or Involuntarily Retired" (H. P. 748) (L. D. 957)

Mr. THERIAULT of Rumford

Mr. BAKER of Portland

Mr. GRAY of Rockland

Respectfully,
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

Expressions of Legislative Sentiment recognizing that:

The highest honor students from Bonny Eagle High School are: Laura Bleakney of Hollis, Mark O'Brien of North Windham and Pamela Worster of Gorham . . . (S. P. 596) is presented by Senator Usher of Cumberland, cosponsored by Representative Gowen of Standish.

Laurel Jean Cole, of Gorham, is First Honors student of the 1979 graduating class of Gorham High School . . . (S. P. 597) is presented by Senator Usher of Cumberland, cosponsored by Representative Brown of Gorham.

Joanna Marie Kaserman of Gorham is Second Honors student of the 1979 graduating class of Gorham High School . . . (S. P. 598) is presented by Senator Usher of Cumberland, cosponsored by Representative Brown of Gorham.

Katherine Armstrong of Messalonskee High School has been selected female "Teenager of the Year" and awarded a college scholarship by the Waterville Lodge #905, BPOE, for her outstanding academic achievement, participation in extracurricular activities and all-around school citizenship . . . (S. P. 599) is presented by Senator Pierce of Kennebec, cosponsored by Representative Conary of Oakland.

Which were Read and Passed.

Sent down for concurrence.

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 Exempt from the Maine Income Tax All Disability Payments Under the State Retirement System." (H. P. 1102) (L. D. 1361)

Bill, "An Act to Repeal the Sales Tax on Fuel Oil and to Enact in its Place an Excise Tax on Fuel Consumed in Industrial and Manufacturing Establishments." (H. P. 615) (L. D. 756)

Bill, "An Act to Decrease Municipal Liabilities for Forest Fire Liabilities." (H. P. 510) (L. D. 626)

Bill, "An Act to Provide for a 15% Excise Tax Exemption for any Motor Vehicle Manufactured in 1979 or Later which Achieves 25 Miles Per Gallon or Greater Gas Economy." (H. P. 907) (L. D. 1125)

Bill, "An Act Relating to Exempting from the Maine Sales and Use Tax Fuel Used for the Generation of Electricity." (H. P. 358) (L. D. 453)

Leave to Withdraw

The Committee on Education on, Bill, "An Act to Create a Special Commission to Revise the Procedures for Teacher Certification." (Emergency) (H. P. 1022) (L. D. 1263)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Establish a Marine Resources Development Commission." (H. P. 980) (L. D. 1212)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Correct Certain Abuses in the Motor Vehicle Repair Business." (H. P. 964) (L. D. 1208)

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 Relating to Definition of "Subdivision" under the Subdivision and Land Use Regulation Laws." (H. P. 662) (L. D. 822)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act to Abolish the Ogunquit Village Corporation." (H. P. 631) (L. D. 782)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act to Allow for the Implementation of an Optional County-manager Form of County Government." (H. P. 1062) (L. D. 1357)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Education on, Bill, "An Act to Provide for the Withdrawal of a Unit from a School Administrative District." (H. P. 1268) (L. D. 1550)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Limit the Liability for Hang-gliding." (H. P. 395) (L. D. 503)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act Relating to the City of Bangor the State's Interests in a Portion of the Bed of the Penobscot River." (H. P. 528) (L. D. 650)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Joint Select Committee on Correctional Institutions on, Bill, "An Act to Provide Funds to County Jails to Enable them to Meet Mandated Standards." (Emergency) (H. P. 1012) (L. D. 1172)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Joint Select Committee on Correctional Institutions on, Bill, "An Act to Create Incentives to Improve County Jails and the Correctional Systems." (H. P. 336) (L. D. 435)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Joint Select Committee on Correctional Institutions on, Bill, "An Act to Authorize a Bond Issue in the Amount of \$6,500,000 for Acquisition or Construction of Regional Jail Facilities." (H. P. 972) (L. D. 1241)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act to Establish Self-gov-

erning Provisions for Penobscot County." (H. P. 563) (L. D. 727)

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 from the Sales Tax Sales to Nonprofit Public Residential Drug Treatment Centers." (H. P. 425) (L. D. 520)

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 an Investment Tax Credit." (H. P. 1106) (L. D. 1360)

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 Maine Earned Income Credit for Taxpayers with Low Income." (H. P. 1039) (L. D. 1274)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act to Establish Self-Governing Provisions for Cumberland County." (H. P. 509) (L. D. 637)

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 the Young Men's Christian Association and the Young Women's Christian Association from the Sales Tax." (H. P. 384) (L. D. 491)

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 an Investment Tax Credit from Farmers and Fishermen." (H. P. 1037) (L. D. 1299)

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 Taxation on, Bill, "An Act Relating to Funding and Support for Alcoholism Treatment and Rehabilitation Centers." (H. P. 723) (L. D. 910)

Reported that the same Ought to Pass.

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

Which was Read.

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

Senator FARLEY: This particular piece of Legislation is a unanimous report out of the Committee on Taxation the L. D. I was looking for out of appropriations which the bill says it was supposed to be sent to.

I would like to have someone explain to me just exactly what the bill does. The bill says "All State Funds for Support of Alcoholic Treatment and Rehabilitation, Education, Prevention Efforts and Programs, shall be appropriated from or shall be a direct charge against current State Liquor revenues, this section shall apply toward in-patient, out-patient, as well as to both public and private clinics and treatment programs."

Does it cost any money? You know this money comes out of the General Fund now I assume, since all liquor revenue does go into the General Fund.

The PRESIDENT: The Chair recognizes the

Senator from Somerset, Senator Teague.

Senator TEAGUE: In answer to Senator Farley on L. D. 910. This is kind of like a bookkeeping change right now in your General Fund you have the money going in and all that this does is transfer that money from the General Fund to the Alcohol Treatment and Rehabilitation Funds there is no money involved or anything. It is just a bookkeeping change.

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

Senator HUBER: Mr. President and Members of the Senate: This may be perhaps an accounting change, the fact is, that if these funds from the Alcoholic Beverage Commission, essentially become dedicated funds this would be creating a dedicated fund, these same funds would not be returned as they are now to the General Fund. I think that it is a way of masking these funds, making less clear Legislative Review of these Funds, I am not in favor of the bill.

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

Senator FARLEY: I request Indefinite Postponement of this bill and all of its accompanying papers.

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

Senator SILVERMAN: Mr. President and Members of the Senate: You know I am not here to count how many votes you have or you do not have. I think that it is most important that liquor causes a lot of social expenses, and those who profit off of the business are doing very well and causing a lot of social expenses. In the field of education and prevention, or in the Human Services Budget, they are far under funded in the area of prevention and treatment of alcohol and its major problems in Maine.

Now we can hide it under the rug as long as we want to, but each year more and more families come into a major problem, because of alcohol and each year those families in turn turn to the taxpayers in some way or other to be funded, for their daily living.

I think that the Senate might be correct that somewhere this bookkeeping device does in a way say, that you cannot keep making a fortune in the State off alcohol, which is what you are doing and then turn around and use that fortune for every other thing except prevention, treatment and those families than something more than they are receiving in Maine today.

Now it is very well to say we want to cream this business for all that it is worth, take the money and put it in the State coffers and use it for everything that you want to use it for.

When are we going to wake up and start using the profits made off liquor for those who are suffering because of the use of liquor in our State. Thank you.

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

Senator HICHENS: Mr. President and Members of the Senate: The other day we debated a bill, which would take \$300,000 out of the General Fund, to help finance a program in Lewiston. At that same time, I stated that I was in sympathy with people who have problems with alcohol but I do not think that the people who do not drink in our state should have to pay the price for rehabilitating these people.

The purpose of this bill is to provide State Funds for Alcoholism Treatment such as this Lewiston program and others like it be taken directly from the State Liquor Revenue rather than from the General Fund. If we are going to collect this money from off the profits of liquor and like that, let them pay for the rehabilitation not the general taxpayer.

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

Senator FARLEY: I don't disagree with the words of the previous two speakers said, I do not think that they are going to suggest that we spend \$54,000,000 on alcoholic treatment and that is what we get from the Bureau of Liquor

Commission.

What we are doing here is just putting a lot of words on the books, that money comes out of the General Fund anyway. What are you going to do, stand at every cash register and take every \$10 out today and \$10 out tomorrow. This is bad bookkeeping, I think that the Chairman of the Appropriations, the Senator from Cumberland, Senator Huber is absolutely correct. I think that it is a bad piece of Legislation and I think that we ought to kill it this morning.

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

Senator CONLEY: Mr. President and Members of the Senate: I really try most of the time through the session to remain quite consistent when it comes particularly to establishing dedicated revenues. You will recall and I want the good Senator from Kennebec, Senator Pierce to know that I still have got a novena going with the Governor, wisdom may come through to the Governor and he will veto that Criminal Justice Academy Program, with dedicated revenues from fines.

I feel very much the same on this particular piece of legislation. I honestly believe that if the State is to recognize its priorities then it should establish those priorities from the resources that they have to work with. If we see that the problem is serious enough and we are not doing the proper job then it is the job of the good Senator from Cumberland, as one member of the Appropriations Committee, to recognize that factor and to recommend to the Joint Standing Committee on Taxation that we need additional revenues for a particular program.

Personally, I think that once we establish a fund of the magnitude such as this one could establish is what we are doing is we are giving just a bag of money or a blank check to the Department of ODAP and saying go ahead fellows do as you want to do with it.

Personally what I think that we should do is we should sit down and do some planning. The good Senator from Kennebec, Senator Katz last Friday, made his feelings known with respect to prevention that the State has not done anything in that area.

I agree that they have not, but on the other hand this is a very young program that started just a few years ago, and that the resources have not been appropriated to establish that type of program. If we are going to do it, then we should recognize it and we should get our muscles behind it and do something. But to establish dedicated revenue I do not think that that is in the best interest of all citizens of this State. I think that what we should do is establish a dollar figure and put it forward and have them work with it, so I concur with the good feelings and sentiments of the good Senator from Cumberland, Senator Huber.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I request a Roll Call.
The PRESIDENT: A Roll Call has been requested.

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

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

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

The pending question before the Senate is the Motion by the Senator from York, Senator Farley, that L. D. 910 be Indefinitely Postponed.

A Yes vote will be in favor of the Motion to Indefinitely Postpone.

A No vote will be opposed.

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

ROLL CALL

YEA — Ault, Chapman, Conley, Cote, Danton, Emerson, Farley, Gill, Huber, Katz, Minkowsky, Perkins, Pierce, Redmond, Shute, Sutton, Trafton, Usher.

NAY — Carpenter, Clark, Devoe, Hichens, Lovell, McBreairey, O'Leary, Pray, Silverman, Teague, Trotzky.

ABSENT — Collins, Martin, Najarian.

A Roll Call was had.

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

17 Senators having voted in the affirmative and 12 Senators in the negative, with 3 Senators being absent, the Motion to Indefinitely Postpone in non-concurrence does prevail.

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

Senator EMERSON: I would like to move Reconsideration on L. D. 637.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate reconsider its action whereby on Bill, "An Act to Establish Self-Governing Provisions for Cumberland County." (H. P. 509) (L. D. 637) it accepted the Leave to Withdraw Report.

On Motion by Senator Emerson of Penobscot, Tabled for 2 Legislative Days, pending Acceptance of the Committee Report.

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

Senator CONLEY: Mr. President, with respect to L. D. 910. I move that the Senate Reconsider its action whereby this bill was Indefinitely Postponed, and would urge the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Reconsider its action whereby it Indefinitely Postponed, Bill, "An Act to Funding and Support for Alcoholism Treatment and Rehabilitation Centers" (H. P. 723) (L. D. 910).

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

Sent down for concurrence.

On Motion by Senator Katz of Kennebec, the Senate voted to remove from the Table.

Bill, "An Act Relating to the Employment of Minors and Overtime Pay." (H. P. 1214) (L. D. 1520) tabled earlier in today's session, pending the motion by the Senator from Kennebec, Senator Katz.

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

Senator SUTTON: Mr. President. I move that the Senate Recede and Concur with the House.

There has been some question about whether this particular bill will prohibit young people from working on a farm. I can tell you emphatically, that it is our intention that the language was supposed to have been prepared to prohibit this, so that they could work on a farm. In Section 2, we explicitly say that there is an exemption, except for the planting, cultivating and harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery, and hazardous substances. Then again in Section 4 we say, again we define it this way and they shall be exempted from this section and then again in Section 5, we say this section shall not apply where the planning, cultivating, harvesting, etc. Right now in the Federal Law young people are prohibited from working in factories around dangerous and hazardous equipment. There is an exemption in Federal Law as far as agriculture is concerned, and agriculture has never been defined.

Right now some businesses have kind of fallen into a crack in this agricultural exemp-

tion and really become factories. Now we want kids to work on the farms without any question whatsoever, but we don't want them to work around hazardous equipment in factories the same as they can in manufacturing type factories. This is what this amendment endeavors to do and I want the record, completely understand, that this is the intent of the bill, and what the language is supposed to say.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I had a potential problem with this bill also for the same reasons already outlined by Senator Sutton. This is what a friend of mine in the other body refers to as, fill in the blank bills. It allows the Bureau of Labor I think, define what a hazardous piece of machinery, what a hazardous substance is. I will not oppose the motion this morning because I think it has, or I would hope it has been outlined in the Legislative Record and elsewhere, that this is, shall not be construed to mean normal agricultural processes. If anyone in the Bureau of Labor is listening I hope that they will take this into account when they define these things.

I was born and raised on a farm, and as many farm boys in Aroostook County, spent a great deal of my time working in a potato house around pieces of machinery which can be hazardous. I don't disagree with that and I think that this bill, by prohibiting young people under the age of 16 from working around this machinery can be very effective.

I have also breathed in DDT and 2-4D when I was a kid growing up that I should have been dead at age 25. The part of the bill that I am most concerned about is the part that deals with "hazardous substances", and I hope that any substance which is approved for usage in normal agricultural processes will be looked upon with favor by the Bureau of Labor when they get around to defining these.

I was a little bit concerned that this would cramp the style of some of our farmers in Aroostook County but I guess, my fears have been sufficiently calmed, so I hope that you will vote to Recede and Concur this morning.

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

Senator McBREAIRTY: Mr. President, and Honored Members of the Senate: For years they've been continually taking the right for children to work or young people to work in farm functions. I think if we continue to stick to the Federal guidelines it will be sufficient.

Now these factories or places that they're talking about, all have to come under OSHA, and believe me, if they meet OSHA standards and regulations they're much safer in these places than they are out behind somewhere smoking pot or riding a bicycle down the street after they have smoked pot.

I'm going to make a Motion to Indefinitely Postpone this bill and all its accompanying papers. I hope that some of you, at least, might go with me, I feel that in many cases young people learn to work, they learn to earn a little money, they learn how to handle it, and I don't believe we should take the right away in these farm functions. Thank you.

The PRESIDENT: The Chair advises the Senator from Aroostook, Senator McBreairty that his motion to Indefinitely Postpone is not in order at this time. The only motion available to the Senator is the motion to Recede if that prevails, then the motion to Indefinitely Postpone would be in order.

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

Senator EMERSON: Mr. President and Members of the Senate: I want to support the Senator from Aroostook in his motion, whatever it might be. I ran one of these, owned and operated one of these so called plants or factories, at one time. I've never seen anything that I would consider dangerous, and I'm refer-

ring to an egg factory, really.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: I understand the concerns from the good Senator from Aroostook, Senator McBreairty, but one reason why I will support this bill, in its amended version, is partly because of some of the things he mentioned. We've seen the people come to Aroostook County and tell us that our people should not pick potatoes, and they should not work on harvesters, and they should not do this and should not do that. We have had several congressional hearings there, and thus far we have kept things pretty much as they were, and I don't think there is any problem with that. I think anybody that has ever been there to see how this process takes place can accept that.

I think it's important that the State, if there is a problem in some areas, that the state should take the initiative and move against these areas, and I think by doing so we may prevent further interference from the Federal Government. If somebody decides that a potato harvester is a "hazardous piece of machinery" and OSHA's regulations are changed in Washington, then we automatically fall under them. If on the other hand, we make State Law, pass State Legislation at the State level to look at some of these areas, to protect some of these areas, perhaps we can be exempted from the Federal Government. I think it's important that we move, and move substantially in these areas.

As I mentioned earlier, I think one of the areas that they are trying to get at here is the so called agri business. If you have ever been in a potato packing operation you will see machinery running at a high rate of speed. I'm not sure that all of that machinery is all the time as safe as it ought to be. I do think that somebody of age is able to work in that area without undue hazard to his or her person, but if you look at some of this machinery.

If you have children, and I've seen children working in factories, I worked in one of these small factories at the age of 10, 11 and 12, for my father. Immediate family would be, as I understand it, exempted from this provision, so I could stay home and work for my father, but I think it's important that the State move in these areas and try, as the good Senator from Oxford, Senator Sutton, alluded to a few moments ago, try to police up some of these areas that are falling through the cracks between the family farm operation and the so called agri business. I'm not concerned that this bill, at this point in its much amended form is going to significantly damage the family farm operations in Aroostook County or in the State of Maine. So I would hope that you would vote to Recede and Concur.

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

Senator SUTTON: Mr. President. We're talking about children 13 years old, children under 14. Now if they can't run a drill press in my machine shop I don't see how they can possibly go and work, whether it's an apple boxing thing or eggs or fish or what have you. When you start putting children under 14 years old that work around dangerous equipment, there is where we, as a Legislature, ought to be concerned. We're not concerned about kids working on family farms.

As a matter of fact, I worry a little bit about family farms because some of the most dangerous equipment around is on farms. I don't know how we would ever do anything about that, and I'm not suggesting that we should, but I really in some respects would worry more about that, cultivators, and harvesters and some of these things, I can just see the kid coming out with one arm out of each side of a bail of hay. This is not what we're really talking about. We're talking about agri businesses, and I don't think they should be exempt any

more than any other manufacturing operation should be.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate: One of my problems is the people who decide what is hazardous and I'll give you an example. They came to Aroostook County and says that it is perfectly alright to pick potatoes where you have trucks running through the field, at high speed many times. You have diggers going by these young kids within a foot of 'em, you have barrels being thrown out. Now these people who come to Aroostook County say this is perfectly alright, but they can't work on a harvester where everything is guarded and they have a place to stand and are perfectly safe, and can do the job. This is what bothers me. When you turn it over to somebody to decide what hazardous is.

I'd like to ask a question through the Chair. Was there any evidence at this hearing that we do have a big problem in these areas with youngsters getting hurt compared with children on bicycles and that's probably where they'd be if they weren't doing this work. Compare it and see which is the most dangerous.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty has posed a question through the Chair.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President. When we heard this bill in the Committee on Labor, children under 12 years and children under 13 years of age, under 14 years of age, we had many testify on for instance, eggs in the DeCoster Egg Company. An egg sorter thing that they put the eggs and it rolls along, and they catch their hand in there and it takes their hands off. We had very many cases where children that were too young that were working on so-called dangerous machinery which might not be dangerous to you, Senator, but were dangerous to children 12, 13 and 14 and 15 years of age. I go along with Senator Sutton that we voted the same way on this bill, I go along with him. I think that we should Recede and Concur.

The PRESIDENT: The Chair advises the Senator that the pending question at the moment is the motion by the Senator from Oxford, Senator Sutton, that the Senate Recede and Concur with the House.

Senator McBREAIRTY: I'll go along with Senator Sutton, I think he's a pretty smart fellow.

The PRESIDENT: 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.

17 Senators having voted in the affirmative and 6 Senators in the negative, the Motion to Recede and Concur does prevail.

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

Reported that the same Ought to Pass.

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

Which Report was Read.

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

Senator COLLINS: Mr. President the Contract before us is in good form and I only want to make one comment on it.

For historical reasons I am always interested in the Union Security Clause, in a Contract, this one is written quite differently from

the two previous contracts that we have seen.

The critical item occurs on page 48 where it says that "the union agrees to fulfill its duty to represent all employees in the bargaining unit and to handle grievances for all employees in the bargaining unit not merely for its members."

The State acknowledges the right of the Union to require from those non-members payment equal to the amount spent representing those same non-members. The costs shall include but not be limited to reasonable fees for employee representative services and expenses, attorney fees and expenses, arbitrators fees and expenses, plus what other charges as the union may rightfully charge for the services rendered."

This language is in fairly broad terms and I have just conferred with Mr. Lanning S. Mosher of the Governor's Office of State Employee Relations, and he has assured me and I think that the language permits this, that this clearly is very similar and will have the same result as the clauses in the two previous labor contracts we have approved. The language while broad is intended to be confind to the handling of greivances and not to other cost factors in the unions work. Thank you.

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1979. (Emergency) (H. P. 1460) (L. D. 1652)

Reported pursuant to Joint Order (H. P. 135) that the same Ought to Pass.

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

Which was Read and Accepted in concurrence, and the Resolve Read Once.

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

Ought to Pass — As Amended

The Committee on Labor on, Bill, "An Act Relating to the Identification and the Hazards of Chemicals in the Workplace." (H. P. 750) (L. D. 958)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-598).

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

Which was Read.

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Transfer the Cost of Witness Fees for Superior Court from County Budget to the State." (H. P. 926) (L. D. 1140)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-582).

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

The Committee on Education on, Bill, "An Act Concerning Driver's Education for the Physically Disabled." (H. P. 1162) (L. D. 1427)

Reported that the same "Ought to Pass" as amended by Committee Amendment "A" (H-590).

Comes from the House, the Bills 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, Read a Second Time, and Passed to be Engrossed, as amended, in concurrence.

The Committee on Energy and Natural Resources on, Bill, "An Act to Encourage the Use of Solid Waste as a Fuel Source." (H. P. 921) (L. D. 1163)

Reported that the same "Ought to Pass" as amended by Committee Amendment "A" (H-602).

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 Revise the Van Buren Light and Power District Charter." (H. P. 836) (L. D. 1068)

Reported that the same "Ought to Pass" as amended by Committee Amendment "A" (H-604)

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 Repossession of Consumer Goods from a Consumer in Default Under a Consumer Credit Transaction." (H. P. 152) (L. D. 191)

Reported that the same "Ought to Pass" as amended by Committee Amendment "A" (H-615).

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 Amend the Maine Traveler Information Service Law." (H. P. 1179) (L. D. 1535)

Reported that the same "Ought to Pass" as Amended by Committee Amendment "A" (H-619).

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

The Committee on Taxation on, Bill, "An Act Concerning the Rate of Return on the Investment Factor under the Railroad Excise Tax." (H. P. 530) (L. D. 651)

Reported that the same "Ought to Pass" as amended by Committee Amendment "A" (H-622).

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" Read and Adopted, in concurrence. The Bills as amended, Tomorrow Assigned for Second Reading.

The Committee on Taxation on, RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (Emergency) (H. P. 764) (L. D. 972)

Reported that the same "Ought to Pass" as amended by Committee Amendment "A" (H-587).

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

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

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

The Committee on Agriculture on, Bill, "An Act to Provide Loans for Family Farms." (H. P. 925) (L. D. 1134)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-584).

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

"A" thereto (H-616).

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

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

The Committee on Taxation on, Bill, "An Act to Allow Municipalities to Levy a User Charge in Place of Taxes for Service Provided State and County Owned Property." (H. P. 849) (L. D. 1049)

Reported that the same "Ought to Pass" as amended by Committee Amendment "A" (H-621).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-638).

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

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act to Clarify the Rights and Responsibilities of Institutions to Dispose of Abandoned and Unclaimed Personal Property." (H. P. 1053) (L. D. 1304)

Reported that the same Ought to Pass in New Draft under New Title "An Act to Clarify the Manner of Disposing of Abandoned Property in the Hands of State Institutions" (H. P. 1471) (L. D. 1659)

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

The Committee on Business Legislation on, Bill, "An Act Restructuring the Oil Burner Men's Licensing Board and Providing for the Testing of Energy-related Equipment." (H. P. 1180) (L. D. 1536)

Reporting that the same "Ought to Pass" in New Draft Under Same Title (H. P. 1476) (L. D. 1662)

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

The Committee on Education on, Bill, "An Act to Correct Subsidy Index Discrimination." (H. P. 428) (L. D. 545)

Reported that the same "Ought to Pass" in New Draft under New Title: "An Act to Shift Local Leeway Payments to a Current Year Basis" (H. P. 1477) (L. D. 1663)

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

The Committee on State Government on, Bill, "An Act to Clarify the Administration of the Department of Manpower Affairs." (H. P. 1247) (L. D. 1547)

Reported that the same "Ought to Pass" in New Draft under Same Title (H. P. 1470) (L. D. 1658).

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

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

The Committee on Public Utilities on, Bill, "An Act to Amend Provisions of the Charter of the Gardiner Water District Relating to Trustees and Funding." (H. P. 712) (L. D. 885)

Reported that the same "Ought to Pass" in New Draft under New Title: "An Act to Extend the Territory of the Gardiner Water District and to Enlarge the Board of Trustees" (H. P. 1461) (L. D. 1653)

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

The Committee on Education on, Bill, "An Act to Form the Boggy Brook Vocational School." (Emergency) (H. P. 1124) (L. D. 1473)

Reported that the same "Ought to Pass" in New Draft under New Title: "An Act to Authorize the Citizens of Hancock County to Vote on the Matter of Converting Vocational Region #3 to a Vocational Center" (H. P. 1463) (L. D. 1655).

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

Which Reports were Read and Accepted, in concurrence, and the Bills, in New Draft, Read Once.

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

The Committee on Business Legislation on, Bill, "An Act Requiring Certain Consumer Agreements to be Written so that they are Readable and Understandable." (H. P. 483) (L. D. 631)

Reported that the same "Ought to Pass" in New Draft under Same Title (H. P. 1427) (L. D. 1634)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-612).

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

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

Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act to Reestablish the Boundary Line Between Winslow and China." (H. P. 834) (L. D. 1031)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-613).

Signed:

Senator:

EMERSON of Penobscot

Representatives:

McMAHON of Kennebunk
BROWN of Livermore Falls
STOVER of West Bath
DRINKWATER of Belfast
WENTWORTH of Wells
BORDEAUX of Mount Desert

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-614).

Signed:

Senators:

REDMOND of Somerset
COTE of Androscoggin

Representatives:

DUTREMBLE of Biddeford
McHENRY of Madawaska
NELSON of Roque Bluffs
LaPLANTE of Sabattus

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

Which Reports were Read.

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

Senator EMERSON: Mr. President I move that we Accept the Ought to Pass as amended, by Committee Amendment "A" Report.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate Accept the Ought to Pass, as amended by Committee Amendment "A" Report Committee.

Is this the pleasure of the Senate?

The PRESIDENT: Senator Emerson has the floor.

Senator EMERSON: I don't know how it's possible, ladies and gentlemen to explain to you in two or three minutes what it took the Local and County Government Committee, somewhat in excess of 100 man hours to struggle with. There is a disputed area between the Towns of China and Winslow. In this area there is a pond, known as Mud Pond, and a brook which is the outlet of Mud Pond, and there seems to be a dispute as to where the town line is located in this area. The people in China, and also in this area there is a road which runs in a northerly direction, known as Route 137, I believe, the people in China, in the Town of China, that is, say that the town line begins at the northeast section of that town at a spot on the brook, and runs along the brook, and across the highway and then when it gets to the highway, wait a minute, I'm telling Winslow's story now. When it gets to the highway, they say it runs in a southerly direction, along the highway, then along the lot line, to a point on the next town line, whatever that one is. There's supposed to be granite monuments there but one of them doesn't seem to be there.

The Town of China claims that the town line runs along the brook and then along the shore of the pond. Involved in this is approximately 40 acres of land between the town disputed lines, much of which is bog land.

As far as I'm concerned, I could support either going along the natural boundary, which would be the brook and the pond, or going along the lot line, but apparently the two towns sometime agreed that it should go along the natural boundary part way, because it comes down to the road and they shared in building a bridge, and so it seemed logical to me that it should continue along the natural boundary, which would be the pond.

So that there wouldn't be any change of ownership in the land, this has concerned me very much, because people who own the land seem to be good stewards of the land, and I didn't want to do anything to cause them to lose the land at all. So we wrote in my amendment, in Amendment "A", and also in Amendment "B", that the reestablishment of this boundary line between Winslow and China shall not affect the right, title or interest of any person, to any property. Nor shall it affect the authority of either town to tax real or personal property prior to April 1, 1980. So if this is Enacted the ownership of the land will not change, where they pay taxes will change. As I understand it now, they pay taxes in both towns.

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

Senator PIERCE: Mr. President and Members of the Senate: I would agree with the good Senator at best this is probably a very confusing issue. The owner of the approximate 40 acres is Mrs. Vigue, who is my constituent from Waterville, and probably has logged as much time in this Legislature on this bill, from morning until night, as any person as I've seen interested in a piece of legislation, for a long time.

She has owned this land for almost 45 years and there have been Court cases and various survey reports. One of the surveyors, Spike Carey, I have talked with about this and he feels that her case is a just one. I would hope that perhaps finally this Legislature could, once and for all clarify for Mrs. Vigue, what her rights are and put this issue to rest, once and for all, and Mr. President I would ask for a Division on the motion.

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

Senator SUTTON: Mr. President, I don't want to prolong it, I would like to ask one question. What happens to Mrs. Vigue if we accept one report or the other. I don't understand, I thought the good Senator, Senator Emerson told us that she would own the land either way. I would just like to know the consequences of what we're doing.

The PRESIDENT: The Senator from Oxford, Senator Sutton has posed a question to the Chair.

The Chair recognizes the Senator from Oxford, Senator Emerson.

Senator EMERSON: Mr. President, Ladies and Gentlemen: If you would look on your House Amendment, 613, the last paragraph says, "this establishment of the boundary line between Winslow and China shall not affect the right, title, interest, etc. of any person or to any property."

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

Senator SHUTE: Mr. President and Members of the Senate: I also represent one of the towns in this dispute, and that's the Town of China. I think the evidence presented at the hearing on this bill, I attended the hearing on this bill, overwhelmingly came out in favor of the Town of China. I have here a document dated in 1898, which is an agreement between the Town of China and the Town of Winslow, and signed by the Selectmen in both towns, that the town line would, and I'll read, well the town line runs like this: thence the same course as the stream, which is at the outlet of Mud Pond where we set the monument, from this point the line is described as running southerly by the aforesaid stream and the east shore of Mud Pond. Now the east shore of Mud Pond runs down the stream and down the east shore of Mud Pond, and that's the same position that Report "A" is.

I might further say that back in 1974 the Town of Winslow hired a surveyor, by the name of Richard Day of Bangor to do some surveying on this line, because they wanted the line established and asked him to investigate the records to where the town line should be and here is his response. This is a surveyor for the Town of Winslow, and he said: In a written report dated January 20, 1975, Day concluded that there was no doubt as to the location of the town line. It is basically the same as that contended by the Selectmen of China. Along the Tread of Mud Pond outlet and along the low water mark of Mud Pond.

Day's research showed that in 1818 the Massachusetts Legislature drew China's first boundary "Southerly by the stream and Mud Pond" and not in a straight line.

So I think that the preponderance of evidence at the hearing on this bill would establish that the town line runs down the Stream, down the East Shore of Mud Pond and is a natural boundary line. It is not a Range Line. So I would hope that you would go along with the Senator from Penobscot, Senator Emerson, in supporting Report "A".

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

Senator TEAGUE: I represent the Town of Winslow and I would just like to read a little excerpt here, the disputes have been in the law courts for quite a time. On November 1, 1962 the court was presided over by Chief Justice Armond Dufresne and I would like to read the excerpt from the case that he wrote in.

"In this case, proof is full that the divisional line between China and Winslow as it has existed and now exists on the face of the earth is as contended by the plaintiff on the Easterly Line of Lot 96, away from and to the East of Mud Pond more properly identified by monuments marked Y and Z on plaintiffs exhibit "A".

I would hope that you would go against the motion on Committee Amendment "A".

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Cote.

Senator COTE: Mr. President, Colleagues of the Senate. Having signed on the other side of this issue, I'd just like to say that I went along with what I thought was a reputable surveyor who knew what he was talking about, as com-

pared on the other side, of one who came from Bangor seemed to be a little shaky in his statements.

Then there was a court decision Justice Armond Dufresne at one time, gave a decision that he found for the Town of Winslow. So based upon the decision by the courts, based upon the evidence that I heard when it was before me I went with Report "B". I feel that this is the report that we should accept.

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

Senator EMERSON: I believe that it was discussed in Committee how the town line became moved from the shore of the pond over to the lot line, it seems like they told that the beavers build a dam, and the town line was supposed to be on the shore of the lake, so sometime over the years the beavers built a dam and they pushed the lake out wider over near the lot line and that is how it happened to get over there in the first place.

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

Senator SHUTE: I would like to pose a question through the Chair, if I could to any member of the Committee. The question is in the decision by Judge Dufresne, was that a case of two individuals or was that a case between the Town of Winslow and the Town of China?

The PRESIDENT: The Senator from Waldo, Senator Shute, has posed a question through the Chair, to any Senator who may care to answer.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: As I understand the case it was a case between two individuals and not between two towns. So that should not have much bearing on the line between two towns, it could have a bearing on a disputed line between the individuals but not between the towns.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion of the Senator from Penobscot, Senator Emerson that the Senate Accept the 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.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I request a Roll Call.

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

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

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

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Emerson, that the Senate Accept the Ought to Pass as amended by Committee Amendment "A" Report of the Committee.

A Yes vote will be in favor of the Motion to Accept the Ought to Pass as amended, by Committee Amendment "A" 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, Huber, Katz, Lovell, McBreairey, Perkins, Shute, Silverman, Sutton, Trotzky.

NAY — Carpenter, Clark, Conley, Cote, Danton, Farley, Minkowsky, O'Leary, Pierce, Pray, Redmond, Teague, Trafton, Usher.

ABSENT — Hichens, Martin, Najarian.

A Roll Call was had.

15 Senators having voted in the affirmative and 14 Senators in the negative, with 3 Senators being absent, the Motion to Accept the Ought to

Pass as amended, by Committee Amendment "A" Report in non-concurrence does prevail.

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

Divided Report

The Majority of the Committee on Energy and Natural Resources on, RESOLVE, Authorizing and Directing the State Director of the Bureau of Public Lands to Convey the Interest of the State in Certain Islands in Muscongus Bay. (H. P. 566) (L. D. 712)

Reported that the same Ought to Pass.

Signed:

Senator:

O'LEARY of Oxford

Representatives:

HUBER of Falmouth
MICHAEL of Auburn
BLODGETT of Waldoboro
JACQUES of Waterville
HALL of Sangerville
DEXTER of Kingfield
DOUKAS of Portland
AUSTIN of Bingham

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

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

PELTIER of Houlton
KIESMAN of Fryeburg

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

Which Reports were Read.

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

Senator O'LEARY: Mr. President, I move the Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that the Senate Accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: This is an extremely important bill, I was at the hearing, however, as Chairman of the Education Committee, I never got to the Committee Clerk and would have signed the Ought Not to Pass Report of the Committee, with Senator McBreairey.

I would like to explain what the bill does, before I do that I would like to explain just one thing about deeds. I am in the real estate field, and when I first got into it I had to take a course in Real Estate. I took it from Senator Devoe who was the teacher at that time. He explained the difference in Deeds. A Warranty Deed is a deed in which the person guarantees title personally when he conveys.

A Quit Claim Deed is on the other side and all that the Quit Claim Deed, says is that I give up any title or interest that I may have.

I could give Senator Katz a Quit Claim Deed to Memorial Circle. The fact is that if Senator Katz checked title to that he would find that the Senator from Penobscot, Senator Trotzky, never had title and therefore even though the Senator from Penobscot, Senator Trotzky, gave title with a Quit Claim Deed, Senator Katz would have received absolutely nothing, from it.

Now what this bill does is the State of Maine, would be passing a Resolve and releasing whatever interests it may have in Five Islands on the coast of Maine. Those islands being 5 Islands in Muscongus Bay. Strawberry Island, Spruce Knob Narrows Island, Crotch Island, Jims Eye Island. The islands totalling I believe approximately 8 acres.

Now the bill was put in by Representative Blodgett because I believe that he represents that district.

What took place in 1963 the Town of Bremen put these 5 islands out for bid. They took the highest bid and they gave Quit Claim Deeds. Quit Claim Deeds to the islands to the 5 highest bidders. What the town was doing was giving up any interests, a Quit Claim Deed means that you give up any interests that the town may have had in the islands. The reasons that the town did it was, because the Islands were never on the Tax Rolls and by selling them they put them on the Tax Rolls.

Now this is a statement that the Bureau of Public Lands came in in opposition to this bill. This is by Lee M. Schepps, who by the way is an attorney, and he says:

The islands involved are the property of the State of Maine and have been the property of Maine since at least 1853 when Massachusetts deeded to Maine all its interest in lands within our borders. In 1913 the Legislature passed a statute providing that all islands then owned by the State would remain State property and would not be sold.

That is what this Legislature in 1913 did. Again what this resolve does if we pass it we give up any claim that we have to the islands.

Now when these islands were purchased by these 5 people, none of them hired an attorney to do a Title Search. As a broker when I am involved in a transaction with the sale of a piece of land, I never know what the title is, I always advise the buyer even if the seller says that he has title to the property, I advise the buyer for his own protection to hire an attorney to do a title search on that property to see whether the seller was conveying anything that he actually had good title to.

It goes on what Mr. Schepps says, is by the way an attorney.

The Town of Bremen had no reasonable basis for supposing that it had title to these islands or any right to sell them. Its officials may very well have sincerely believed the Town had that right, but that belief could not have been based on a sound or legal evaluation of its position. The Town simply had no source of title, recorded or otherwise.

The simple release deed, the quit claim deed, that was received by these people, that kind of conveyance does not represent any claim that the seller or the Town of Bremen had, it only amounts to a sale of whatever interest if any the seller may have had in the property.

Then it goes on to state that "the individuals involved did not pay a great deal to the Town of Bremen for these islands. He mentioned that one island sold for \$666. and was valued in 1973 at \$25,000." 10 years later, and today it is undoubtedly worth more. He goes on to say, "That the 5 islands today and today's market \$150,000." Now my concern is not what they are worth, they could be worth \$1,000,000 or they could be worth \$20. that is not my concern, my concern is legally was any good title ever conveyed? Again the Bureau of Public Lands states that the town never had title.

Let me go on here, the Legislature in 1913 passed a law declaring that no further islands could be sold and that they would be reserved for public use, in 1973 the Legislature Enacted the Coastal Island Registry. It was an effort to determine what islands belonged to the State. What that law did was it required persons who claimed title to own islands to register them with the Coastal Island Registry.

There are 2,800 Islands off the Coast of Maine and approximately 1,500 more than 50% of them were registered. The 13,000 islands that were left over were mostly ledge and rock, and total only approximately 840 acres.

The Bureau is required by law to review each and every registration that was filed to determine if the person has title to it, and the first 350 registrations that they reviewed, 20 islands, they felt did not have good title and among those islands were these 5 islands here.

The islands again belong to the people of the State and I say that because there has been no

title search on the other side, they have never hired an attorney to show that these people have title.

If you look at the State of Maine, the coast of Maine, most of the coast of Maine is in private hands, probably more than any other state in the country, and therefore these—the little that is left is extremely important to the public, the public has use of these public lands.

What this bill would do, the resolve if passed, would open the door for loss of more State owned islands, by validating Quit Claim Deeds because that essentially is what the sponsor of this bill wants us to do. To validate a Quit Claim Deed. I would urge the Senate to vote against this bill and say that when one buys a piece of land one should have a title search and not rely on a Quit Claim Deed.

The opponents state that the State of Maine will only give a Quit Claim Deed, when the State releases land it usually releases it by Quit Claim Deed. That is not to say that title is not good if you release by Quit Claim Deed, but what it does essentially is that the State does not want to get into a lot of litigations and many towns also will release land by Quit Claim Deed. A Quit Claim Deed, is only as good as the title that the person who gives that deed has so I urge the Senate to vote against this bill.

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

Senator O'LEARY: I want to thank the Senator from Penobscot, for an education in Quit Claim Deeds.

Mr. President and Members of the Senate the Town of Bremen in Lincoln County was founded long before our Constitution. It was founded before the good words were put in our State Constitution. I would remind you of what Article 1 says: All men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring and possessing and protecting property."

Now we go just a little further in Section 5 and it says "The people shall be secure in their persons, houses, papers and possession from all unreasonable searches and seizures."

Mr. President and Members of the Senate, the State had no claim to these islands whatsoever, they belong to the Town of Bremen, in Lincoln County. The Town determined that it had title to convey upon oral consultation by First Selectmen Earl Grant with State Officials at the Forestry Service. Which at that time retained considerable administrative powers over public lands.

The State told the town officials that they owned it so, therefore, they could convey it, and it went out for bid. Bids were received and the islands duly Quit Claimed to the high bidders. These people, 4 out of the five are not from the State of Maine does not concern me, but their right to own and possess these does.

Since that date the grantees from the town has enjoyed full incidence of ownership and have been assessed and paid real property taxes on the islands to the town.

This Resolve recognizes the inequity of this particular situation where one unit of government, the towns advertised for sale and sold certain islands, based upon state assurances that title was good. The State assured the Town of Bremen when it put this up for bid that the title was good, and if the State can not guarantee that they have title then what do we have left?

Now the State says you don't have title. The State had already assured them they had title. Mr. President, I find that there's a basic right of the towns here to convey after they have been assured by the State that they had title to grant a Quit Claim Deed and the State will stand behind it. That's what this Resolve is all about.

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

Senator TROTZKY: Mr. President and Members of the Senate. I would like to take issue with one thing that was said by the good Senator O'Leary.

Someone, it appears from the Bureau of Forestry mentioned something by oral communication to somebody in the Town of Bremen that they thought the Town of Bremen has a good title, or had title to this. I'd like to read to you just a statement by Mr. Schepps.

He said: "We do not know the identity of the official in the Bureau of Forestry who is supposed to have told someone from the Town that the State had no interest in these islands. But whoever he was and whatever he thought he was saying, in important matters like this, no one, not even a town should rely exclusively on an oral conversation."

The issue here is are we going to give up title to islands worth \$150,000 today, 5 islands, when a town deeded these islands away in a deed, in which there were no guarantees made in that deed.

I'm not saying a Quit Claim Deed isn't good. A Quit Claim Deed is good. If I owned my house in Bangor, and I deeded my house to the Senator from Oxford, Senator O'Leary. If I have good title to it, that Quit Claim Deed is as good as a Warranty Deed.

But in this case, there was no proof at that hearing that the Town of Bremen had good title to that property.

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

Senator O'LEARY: I'd ask a Parliamentary Inquiry. Do we have a quorum sir?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAITY: Mr. President and all the Members of the Senate. I signed this bill Ought Not to Pass only for one reason, and that was after weeks and weeks of research. We couldn't find any evidence that anyone ever had the legal right to sell these islands to the people that bought them.

I'm really not going to argue the bill very much, because I don't care if this body wants to give away all these islands on the coast, it's all right with me. But they didn't even, as far as I can find out, give a Quit Claim Deed. They only gave a Release Deed—whatever that is. We couldn't find any evidence, now as far as the State saying that the town owned them, somebody came up here to Augusta and talked to somebody in Forestry or somewhere and said, go ahead and sell them if you want, but there was no legal action taken.

I thought the best way out of this problem was to give those people authority to lease the islands so they could still be protected as far as using them, forever if they wanted, but it wouldn't set a precedent of giving away State land that legally the State owns. As far as taxes and the price they paid for these islands over the last few years, it's much less than a lease would have been on the islands. As far as I'm concerned, do as you wish, but legally they don't own these islands, from the information we could find.

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

Senator COLLINS: Mr. President, I hope the Senate will vote Yes on the pending motion to accept the majority report. In the course of my law practice, these past many years, I have searched the titles through dozens and dozens of islands, in Lincoln, Waldo and Knox Counties, and occasionally in Hancock County, and the title history of our islands is very obscure. There's a great variety of history and geography and tradition involved and it was partly for that reason that the 106th Legislature enacted the Coastal Islands Registry Law, hoping to straighten out some of the history and to make claim on behalf of the State to as many islands as possible that were not clearly owned

by someone else.

I have had to represent a number of private clients in arguments with the Coastal Island Registry and its attorneys. They contract out their legal work mostly to a law firm here in Augusta. The State has been extremely hard nosed about its position about all these titles. So far I think I've been successful only in one challenge out of ten in these island cases, and in most of these cases the equities were rather evenly balanced between the State and the private owners. In this case I would like to say to the Senate that I think the equities are very strongly in favor of the 5 people who have the claims to these islands that they now seek to clear by Legislative Action.

I think the basic question is not a question of legalities in a very technical sense, the sense that the Senator from Penobscot, Senator Trotzky has urged upon us. I would give him fairly good grades, passing grades in the bar exam on some of his knowledge but it is a fact that probably nearly half of our titles in the State of Maine rest on Quit Claim Deeds. There are two qualities of Quit Claim Deeds. One is called a release which has no covenants at all and the other is a Quit Claim with Covenants of Guarantee made only by the giver while he is ownership.

The fact is that in 1963, islands like this were not very valuable. These islands, they are hardly big enough to be called islands. One of them is a quarter of an acre. One of them is a half an acre, one is three-quarters of an acre. The largest is two acres. They are not very big and in 1963 these things were so little in the real estate market at that time that to employ an attorney to search the title and come up with all the answers would have cost you more than you have to pay for the island. So all of this talk about you ought to have an attorney, and so on, of course I agree with that, you have to put it back into the context of what was land worth at that time. At that time not too many people foresaw the tremendous land boom we would have on the coast of Maine and the tremendous mania for the ownership even of very small islands.

The Town of Bremen fathers at that time, and I have reviewed their work, fairly extensively. When the question came up they were trying to upgrade their tax rolls, to be sure they were taxing all the property they were supposed to, to the proper people, and when they found that these little dots of islands that were worth very little were not being taxed they went to the State of Maine, and at that time, this sort of thing was looked after pretty much by the Bureau of Forestry. They went to Austin Wilkins and others that were in the Department at that time, and said what's the claim of the State? As you have heard the recorded material is very scant but there is one letter that goes from the Commissioner to the town fathers, that says something about the Hungary Islands and these are adjoining islands and part of the same group in this area, and the implication, not the precise language, by any means, the implication is the State of Maine doesn't have anything down there, we don't want to be involved. The conversations that are recalled by some who were acquainted with it go along the same line. The State was disclaiming anything.

So the town made the very reasonable assumption, that they were town owned and gave Quit Claim Deeds to buyers at their modest prices, but prices that were adequate at those times and those owners have improved the property, in some cases, in some cases not, but they have exercised all of the acts of possession. They have paid the taxes, they have used them, they have had picnics and in one case there has been a considerable amount of money invested in the island, all in good faith, under these Quit Claim Deeds from the Town of Bremen.

So I'm saying the Senate, whatever the legal-

ities may be, whatever a Court might decide in these things, the reason that it's before the Legislature and not before a Court is that we are being asked to carry out the good faith that the State of Maine caused to be exercised by the fathers of the Town of Bremen in 1963. In my mind the record of correspondence exchanged and the memories of those involved, and some of the people are dead so we can't have a complete record of memory, but in my mind that record says, the State made a disclaimer in 1963, and that the town in good faith acted upon that disclaimer by the State and put these islands on the tax rolls and have taxed them now for these 16 years and the people have paid their taxes, made their investment and improved them. It doesn't seem to me to be conscionable to take the position that the State now ought to oust those people from all that they've had and done and leave them hanging there, having invested in good faith. I hope you will support the Majority Report of the Committee.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I, too, would like to urge the Senate to vote favorable on the pending motion. The actions taken by the Town of Bremen were in good faith and at the time based upon the then available knowledge. The purchasers who bought those islands acted on that good faith. I happen to know one of the people who owns one of those islands.

I would like to read just a little excerpt from him to what he has done with his island and give you an idea of his attitude. He purchased this with one of the sealed bids in 1963. "Through the past 16 years, I have enjoyed, preserved and paid property taxes on this island, believing I had good title I properly registered with the Coastal Island Registry on October 21, 1974, and received acknowledgment of the registration on October 25, 1974. I am very concerned with the islands and the wildlife which they support.

In this regard I received a letter from the Audubon Camp in Maine dated May 4, 1976, stating that the State Resources Planning Division informed them that I was the owner, and requested permission to post the north end of the island to stop people from disturbing a small nesting colony of Common Terns. I replied in a letter dated May 20, 1976, expressing my same concern and stated that I would be pleased to have that area posted.

This island is very small and insignificant relative to the several thousand islands along the Maine Coast. It cannot support heavy traffic which could come with State ownership and publicity. While I should point out that I have never prohibited its use to any individual to date. The Town acted in good faith with what was thought to be approval from the State to convey these islands. Allowing these islands to rest in the hands of individuals such as ourselves who care for and cherish these small islands seems to be the most reasonable, fair and equitable solution to this problem.

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

Senator TROTZKY: Mr. President. Senator Collins from Knox said there was disclaimer where the State stated that it had no title to these islands. There was no document that I had or copy of any document where there was a written disclaimer. Also, talking about what's been built on the islands. There are 5 islands. I believe only one of the islands had a camp on it, and the Bureau of Public Lands has agreed to lease that island to the person who has put that camp on it.

What about the other 4 islands? Nothing is built on those. The other thing is, and Senator Devoe might elaborate on this. If a person takes possession of an island or takes possession of a piece of property, I believe it's 20 years, is Adverse Possession, if you hold that

property for 20 years, I believe then you can maintain title to it, but I don't believe this 20 years, '63 through '79 is not 20 years.

I would suggest that an issue which involves 5 islands which the Bureau of Public Lands says are worth approximately \$150,000 today and which belong, according to the Bureau of Public Lands, and their work, to all the people of the State of Maine, should not be disposed of in one simple Resolve. Maybe this issue should be taken to the Courts in the State, rather than having the Legislature argue the legal merits of this. It is an extremely important issue because if we by Resolve, validate a Quit Claim Deed, give up our interest, the State's interest, the people's interest in these islands, we're setting a precedent which could go on to many of the other islands in the State.

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

Senator CONLEY: Mr. President. It was always my understanding that we are the general court. Secondly, after listening to the good Senator from Penobscot, Senator Trotzky, he just resolved the Indian Land Claim with 20 years possession.

The PRESIDENT: Is the Senate Ready for the question?

The Chair will order a Division.

Will all those Senators in favor of accepting the Majority Ought to Pass Report of the Committee, please rise in their places to be counted.

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

19 Senators having voted in the affirmative, and 8 Senators in the negative, the Motion to Accept the Majority Ought to Pass Report does Prevail.

The Majority Ought to Pass Report of the Committee, Accepted in concurrence.

The Bill Read Once, and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Unemployment Compensation Benefits for Persons Collecting Workers' Compensation." (H. P. 819) (L. D. 1027)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-599).

Signed:

Sensors:

SUTTON of Oxford
LOVELL of York

Representatives:

CUNNINGHAM of New Gloucester
WYMAN of Pittsfield
MARTIN of Brunswick
TUTTLE of Sanford
FILLMORE of Freeport
BEAULIEU of Portland
DEXTER of Kingfield
BAKER of Portland
LEWIS of Auburn

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

Signed:

Sensor:

PRAY of Penobscot

Representative:

McHENRY of Madawaska

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

Which Reports were Read.

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

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

Divided Report

The Majority of the Committee on Health

and Institutional Services on, Bill, "An Act to Provide for the Licensing of Denturists." (H. P. 1365) (L. D. 1598)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

GILL of Cumberland
HICHENS of York
CARPENTER of Aroostook

Representatives:

BRODEUR of Auburn
PAYNE of Portland
MATTHEWS of Caribou
MacBRIDE of Presque Isle
CLOUTIER of South Portland
BRENERMAN of Portland
CURTIS of Milbridge

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

Signed:

Representative:

PRESCOTT of Hampden

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

Which Reports were Read.

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

Senator MINKOWSKY: Mr. President, I certainly would not want to have this bill go under the hammer so quickly. I think a reasonable explanation on the part of the Members of the Committee on Health and Institutional Services, especially its Chairman would be very beneficial, since we have been faced with this bill for a long time.

I think I'm still a firm believer in the free enterprise system creating a few extra jobs, allow the Denturists and the Assistants to do a little extra work in behalf of the people of the State of Maine, have more reasonable rates as far as dentures are concerned.

I would certainly be interested, Mr. President, in getting a synopsis from the illustrious Chairman of the Committee on Health and Institutional Services.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a series of questions through the Chair, to any Senator who cares to answer.

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

Senator GILL: Mr. President and Senator Minkowsky. The bill came in under unusual circumstances, to say the least. It was a late bill. There had been an earlier bill that had been withdrawn, this bill had come in late and it is my understanding it did not go through the normal channels. It came into this body within the last three weeks. To get beyond that, we looked at the bill, we had a public hearing on it, we had much testimony on it. It appeared that since our two years ago Legislation has passed there's been a reduction in dentures for everybody. There are programs available that will provide this. There are well fitting dentures, there didn't seem to be need for this piece of Legislation at the time so the committee chose to sign the bill out as they did.

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

Senator MINKOWSKY: Thank you very much Mr. President, I certainly appreciate the good explanation that was given. But in reading this bill a little more closely in the Statement of Fact, it seems to open the door for the denturists to practice on their own instead of being under the auspices of a dentist if he so desires to have a denturist, as part of his operation, which I understand presently he prefers not to have them. He prefers to have basically a closed shop or a monopoly in his particular profession, and I don't think that's wise for anybody to have a monopoly that's unregulated.

Now in looking over this particular document the educational criteria was really astounding,

and I was very pleased to see how these people are willing to upgrade their professionalism. I was totally pleased with a part in there that the University of Maine would offer additional curriculum. That we would have students in the State of Maine who would prefer to stay here and practice being a denturist. When I look at the suspension of revocation of licenses for what I classify as infinitesimal profession at the present time, I think it's more stringent than the legal profession in the State of Maine or the medical profession or the profession track history.

I would just call your attention to subsection 80-15, and I think you will concur that the citizens of the State of Maine will be well protected if we did allow the profession of denturism to materialize.

Everybody in the State of Maine, we often mention the fact that it's a very vast area. We do not have the accessibility to dentists. If we allowed these people to practice in the State of Maine, I think this would be more convenient, especially for our senior citizens or some of the people who live in remote areas to receive the services of a denturist to have the proper dentures in their mouth.

The purpose under 80-01 that is the defending of Legislature of Denturist or dental prosthesis is not a form of treatment for health conditions. It does involve interoral procedures. I think this was the point of contention the last time, is that the denturists were illegally practicing in a person's oral cavity, known as the mouth. I think this really clarifies that they are really taking impressions and yet performing a vital service to the people of the State of Maine.

If there is any other rhetoric that is of significant value, Mr. President, in behalf of the denturists or other members of the body or the committee, I would certainly be very glad to listen to other arguments, pro or con.

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

Senator LOVELL: Mr. President and Members of the Senate: I was on a committee on Health and Institutional Services six years ago and defeated this bill in the House. I feel no different now than I did then. I think that actually we're in a position that if a denturist without a proper education, his education is not proper, works on the soft tissues of the human mouth, he cannot detect cancer. We have found cases where cancer has been detected in the soft tissues of the mouth by the dentist, and the denturist would not be able to detect cancer.

The denturist is fine in making false teeth. Let him make the false teeth but let him make them under the supervision of a dentist who has examined the mouth. Then taken an impression and let the denturist make the false teeth as he has done for the past 50 years or ever since they've had false teeth. Let's not change it after 50 years. Let's keep it the way it is now, because it has worked out pretty good.

Now I need false teeth upstairs, and I know that I can get them cheaper, probably from a denturist but on the other hand every county now, including Sanford, we have dentists, on senior citizens, on people that aren't wealthy, they will make the false teeth for half price. Dr. Hunt in my own town, he questions the person and he make the decision, and consequently he goes along and does the right job. If there is no motion on the floor I move the Ought Not to Pass on the bill.

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

Senator CLARK: I was awfully interested to learn Mr. President, and Members of the Senate that that oral cavity is called the mouth. I believe that this bill properly reflects the interests of the State of Maine, and that it carries the Majority Ought Not to Pass Report. It is my personal feeling that those people who don't have any teeth have already compromised their position and there is absolutely no need to

further license denturists.

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

Senator CONLEY: Mr. President. I was greatly impressed by the statements of the good Senator from Androscoggin, Senator Minkowsky and would hope that the Senate would accept the Minority Report on this bill. I heard enough debate two years ago, though we haven't heard much this morning. I am sure we will continue to hear it in the future and eventually this bill is going to pass. I think we can bring it to a quick halt by accepting the Minority Report today.

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

Senator LOVELL: Mr. President, the only denturist we have that fit false teeth are in Canada, and they are not going to last too long, I understand in Canada, so I would say that we had better go against this bill.

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

Senator MINKOWSKY: Mr. President, I would ask for a Division first and foremost and then one final statement that I think is of significant value.

The good Senator from York, keeps harping upon educational requirements, whether it be the chiropractors in the State of Maine or the denturists. I would like to call to his attention that in the bill there are set standards for education, and I think that particular terminology he uses is more or less the informal kiss of death for a particular bill. I don't think it's right to indicate that these people are not educated properly nor do we have the proper curriculum in which to have them trained to handle this particular type of work.

If you look on page 4 under section 5, standards for education, 'The Board shall formulate standards and rules by which a denturist training and educational program, public or private shall be accredited.' Shall be accredited, which goes to prove to me, Mr. President and Members of the Senate, that if it's accredited it certainly would have to be very worthwhile in the interests of the people, and recognized by the board for the purposes of this chapter, including those educational programs and testing or examining bodies in other states and the extended education or post-graduate programs for denturists. Thank you very much Mr. President.

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

Senator LOVELL: Mr. President and Members of the Senate: I notice on page 5, that the denturist has to complete a 2 year college program for the training and education of denturists. Now a dentist has to go 8 years to college, so a denturist goes 2 years. So they're going to let him work on the soft tissues of the mouth, where there may be cancer or other diseases. I don't think that is the proper education and I hate to differ with the Senator from Androscoggin, but I have to on this particular case because it's right there on page 5 of the college program.

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

Senator GILL: May I just add that it appears from all the testimony that the Committee heard, and we did listen to lengthy debate, that the dentists are providing all the necessary prothodontics services so badly needed by the indigent people in the State of Maine and I would just say that they are doing a fine job and at a reduced price since our last go-around two years ago.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion to accept the Majority 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.

23 Senators having voted in the affirmative, and 4 Senators in the negative, the Motion to Accept the Majority Ought Not to Pass Report does prevail.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President, having voted on the prevailing side, I would ask for reconsideration.

The PRESIDENT: The Senator from York, Senator Lovell, moves the Senate reconsider its action whereby it voted to accept the Majority Ought Not to Pass Report of the Committee.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Amend Certain Provisions of the Employment Security Law." (H. P. 1096) (L. D. 1449)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-605).

Signed:

Sensors:

SUTTON of Oxford
LOVELL of York
PRAY of Penobscot

Representatives:

DEXTER of Kingfield
WYMAN of Pittsfield
BEAULIEU of Portland
TUTTLE of Sanford
BAKER of Portland
LEWIS of Auburn
CUNNINGHAM of New Gloucester
FILLMORE of Freeport
MARTIN of Brunswick

The Minority of the same Committee on the same subject reported that the same Ought to Pass as amended by Committee Amendment "B" (H-606).

Signed:

Representative:

McHENRY of Madawaska

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

Which Reports were Read.

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Create an Office of Housing Affairs." (H. P. 962) (L. D. 1240)

Reported that the same Ought to Pass in New Draft under New Title "An Act to Provide an Executive Department Focus for Housing Affairs" (H. P. 1469) (L. D. 1657)

Signed:

Representatives:

LUND of Augusta
BACHRACH of Brunswick
MASTERTON of Cape Elizabeth
KANY of Waterville
REEVES of Pittston
PARADIS of Augusta
BARRY of Fort Kent

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

Signed:

Sensors:

AULT of Kennebec

SUTTON of Oxford
MARTIN of Aroostook
Representatives:

LANCASTER of Kittery
DAMREN of Belgrade
CONARY of Oakland

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.
Which Reports were Read.

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Amend the Municipal Public Employees Labor Relations Act." (H. P. 1095) (L. D. 1345)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-609).

Signed:
Senator:

PRAY of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-610).

Signed:
Senators:

SUTTON of Oxford
LOVELL of York

Representatives:

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

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

Which Reports were Read.

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

Senator SUTTON: Mr. President, I move the Senate accept the Minority Ought to Pass Report, Committee Amendment "B".

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves the Senate accept the Minority Ought to Pass, as amended, by Committee Amendment "B" Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate. Just to quote the Majority Floor Leader, a statement that he made earlier this morning. That perhaps we should just accept the inevitable and defeat the present motion, and accept, in concurrence with the House by accepting the Majority Ought to Pass Report.

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

Senator CONLEY: Mr. President, with respect to L. D. 1240, Mr. President, I'd move that the Senate reconsider it's action whereby it accepted the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate reconsider it's action whereby on Bill, "An Act to Create an Office of Housing Affairs." (H. P. 962) (L. D. 1240), in New Draft under New Title "An Act to Provide an Executive Department

Focus for Housing Affairs" (H. P. 1469) (L. D. 1657), it accepted the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

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

Divided Report

Six members of the Committee on Energy and Natural Resources on, Bill, "An Act for Expression of Public Sentiment on the Dickey-Lincoln Hydroelectric Power Project by Referendum." (H. P. 798) (L. D. 992)

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

Signed:
Senators:

McBREAIRTY of Aroostook
TROTZKY of Penobscot

Representatives:

AUSTIN of Bingham
HUBER of Falmouth
KIESMAN of Fryeburg
DEXTER of Kingfield

Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as amended by Committee Amendment "A" (H-586).

Signed:
Senator:

O'LEARY of Oxford

Representatives:

BLODGETT of Waldoboro
MICHAEL of Auburn
HALL of Sangerville

Two members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass.

Signed:

Representatives:

JACQUES of Waterville
DOUKAS of Portland

Comes from the House, Bill and accompanying papers, Indefinitely Postponed.

Which Reports were Read.

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

Senator TROTZKY: Mr. President, I move the Senate Accept Report "A" Ought Not to Pass. I'd like to speak to my motion.

The PRESIDENT: The Senator has the floor.
Senator TROTZKY: Mr. President, and Members of the Senate: This bill would put out to referendum the following question. Which of the following should be constructed in Maine, Dickey-Lincoln Hydroelectric Facility, an additional Nuclear Generating Facility, a Coal fired Steam Generating Facility?

First of all I don't think the question is appropriate. Dickey-Lincoln generates peaking power. That's basically what Dickey-Lincoln would generate. Where as the other 2 would generate base load power. So I think the question is extremely misleading. Because first of all is there a need for peaking power or is there a need for base load power?

We need base load power. In answering this question you'd be voting for coal fired or nuclear. If the State needs peaking power, you'd be voting for Dickey-Lincoln. So I think the question is totally inappropriate in this amendment. Therefore, would hope the Senate would accept the Ought Not to Pass Report of the Committee.

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

Senator SILVERMAN: Mr. President and Members of the Senate: It's very easy for the Senator from Penobscot, to come up and say Dickey-Lincoln represents major peaking power. Maine needs basic power, so therefore, we ought to kill the bill.

Maine, along with New England, has an energy crisis. It's a big energy crisis. If you don't believe it look at the cost of your electri-

cal bills.

One of the policies in Maine over the last 50 years is to kill any public development that might produce electrical energy. Because of that policy presently and in the future, Maine citizens are going to pay through the nose for the cost of electricity.

We have seen in the West public power. We've seen the cost 1/5 of what it is in Maine. We've seen it in the South with the TVA. It's the same story.

What interests me is those who are against Dickey-Lincoln, run around the mulberry bush and say we're for Passamaquoddy. Well Passamaquoddy Tidal Power is government financed just like Dickey-Lincoln. What interests me is those who are against developing Maine's resources to their proper potential, still run around the mulberry bush and have every alternative solution which at this time is not really available.

You can talk as long as you want. Maine does not have oil. We import it from foreign countries and spend millions of our dollars for energy. Maine does not have uranium. At this time nuclear power is unsafe. Maine does not have coal. That bulk commodity used in the Wyman Development for Central Maine Power could still cost us a fortune, get a good strike going and what are you going to have then? But Maine was gifted with 1 Resource, that is water. Water is low cost electricity, whether it's for New England or whether it's for Maine.

In 1975 I had the privilege of visting Electricite De France in Paris. I went out to their tidal project in the LaRance River Project on the LaRance River. On returning to Paris and with the heads of the National Company that controls the development of electricity there, I looked at their map on the wall. Every possible dam available in France on their river and waterways was constructed.

I thought as I sat there with the heads of that corporation. What have we done in this area for Maine? The answer is zero. Now all of a sudden in '79 you're starting to say: 'dam up the small rivers. We need it.'

Unquestionably when we talk about philosophy, one person goes in 1 direction and another goes in another direction. This is very crucial because we're saying a public opinion poll, because many of us believe in Maine that public opinion on water development and public power has been controlled by the editors of the Maine Press, not by the people. They put in the articles they want you to read. They continuously put in the articles that show a one-sided approach to Dickey-Lincoln. They put in the articles that have meant \$10,000,000 of studies to whose advantage if they end up on library shelves.

Yet the editors of the Maine Press and their environmental writers who do very well with their words and their pen have placed Maine in a very dangerous predicament, because as the cost of oil, uranium, and coal goes higher, our electrical bills will go higher also.

I would ask this Legislature to take a hard look. There's always a chance for a change of opinion. I would say this. You can close the door to public power. You can close the door to Dickey-Lincoln and your people can suffer because of it.

In my area of Maine we are now receiving our power from Canada. If Canada wanted to do to us what the Middle East has done to us with oil, can you imagine what those bills will be?

I would hope on a Roll Call vote, Mr. President, I would ask for a Roll Call vote, I would hope that this Senate would go on Record voting against the Ought Not to Pass.

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

Senator TROTZKY: Mr. President, I'd like to respond to the Senator from Washington, Senator Silverman. He talks about developing Maine's resources to the proper potential. It

seems to me I've noticed in terms of water power quite a few dams along the Kennebec River and the Penobscot River, and other major rivers throughout the State.

In fact the hearings that were held in the Energy Committee 4 years ago, we had many people in discussing water power. Most of potential water power in the State of Maine along our major rivers has been developed.

This is not an issue of public power vs. private power. It just talks about 3 different modes of generating power. You could have a public nuclear generating facility, or a public coal-fired steam plant.

I would also like to respond to the Senator's statement that nuclear is unsafe, and say are airplanes unsafe? I recall the last week or so that 300 people died in airplanes around this country. Yet we don't turn around and ban airplanes. The nuclear issue is a hot issue today. I still have faith in nuclear power, still believe it happens to be the right way of going in terms of generating base load power.

But the question put before the people in this amendment, state would you prefer Dickey-Lincoln Nuclear Power or coal fired power. Again one would satisfy certain peaking power needs. Others would satisfy certain base load power needs. I believe the real need right now is the base load power. Central Maine Power Company right now is concerned about either a coal fired or a nuclear plant. Right now it happens to be a coal fired plant because nuclear generating facility is not feasible because of the controversy and the many, many regulations which keep being changed by the Federal Government.

So I would suggest that the question is an irresponsible question to turn out to the people of the State of Maine. Therefore, this bill should not be passed.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I stand this morning to strongly oppose the motion presently before the Senate. Mr. President and Ladies and Gentlemen of the Senate, these bills were brought before the Maine Legislature for ostensibly the reason that's reflected in their title. To ask the people of the State of Maine whether or not they approved of Dickey-Lincoln.

The amendment that the good Senator from Penobscot, my good friend Senator Trotzky refers to is an amendment that was put on in the committee. I'll stand here today and ask the Senate that if they will accept either one of the Minority Reports Ought to Pass that I will amend this to put it into the General Election of November of 1980 when we'll have a Presidential Election Year, when we'll have a lot of people at the polls, very simple question. Yes or No on Dickey-Lincoln. I have no fear of that particular question.

I've been a supporter of Dickey-Lincoln now for as long as I've been in public life. Perhaps because I come from Aroostook County. Perhaps not. We're looking at a situation. We talk in terms of energy. What we're really talking about is oil. Energy as we've known it for the last 200 years in this country has equated to the word 'oil'.

We're fooling ourselves if we think we're going to find one substance, be it water or air or anything else to take the place of oil, in terms of our energy needs. I like to look at this whole energy situation as a big jig-saw puzzle, a part of which I feel very, very, strongly will be someday Dickey-Lincoln. I support the referendum for a couple of reasons.

Obviously decisions on Yes Dickey or No Dickey are not going to be made in the State of Maine. The Federal Government has told us that whatever the Governor of the State says they will look at very closely. The previous Governor said No. The present Governor says Yes. I'd like to get the people's opinion. I'd like

to find out because the people don't change. We have the same people here today basically we had a year ago, but we have a different Governor. So let's get the people's opinion on this.

The other real big reason that I'd like to see Dickey-Lincoln referendum go to the people. As I said, I will try to amend this bill tomorrow if either one of the Minority Reports are accepted, is that we who have supported Dickey-Lincoln have done 1 terribly poor job of selling that project. We're not nearly as well financed. We're probably not nearly as articulate as the opponents of this project.

I've heard figures of 200,000 acres of virgin timberland would be flooded by Dickey-Lincoln. Well that's "Hog wash" and I mean to stand here today and tell you so. Our Canadian neighbors who own most of that land which has been strip cut are laughing up their sleeves, at us.

I could go into the whole Dickey-Lincoln argument and stand here for hours. But I support the referendum idea, because it would bring together those of us who do support Dickey and would make us get our act together, and lay the facts out on the table for the people of the State of Maine. In my opinion by November of 1980 with the cost of energy, i. e. 'oil', going up every day with this legislature looking at a gas tax increase, another tax on energy. Then I think the people of the State of Maine will accept this.

Now one of the major arguments I heard against this public referendum was the fact that the final environmental impact study the F.E.I.S. will not be out until sometime in 1981. I would remind you Senator Muskie, Senator Cohen, Congresswoman Snowe and Congressman Emery have all taken a position on Dickey-Lincoln. The people that are opposed to this bill are telling the people of the State of Maine that we don't think you're smart enough to make the same decision that has been made in Washington, where the ultimate decision will come from.

These bills were asked Leave to Withdraw, because the final environmental impact study was not out yet. It's alright for the folks in Washington, to make their decisions based on less than total information if you believe the F.E.I.S. argument but it's not proper for the people of the State of Maine to make the same decision. Now that seems to me just a little bit inconsistent.

If you support the position of any of the people I mentioned one of my party and 3 of the other party, 1 for it and 3 against it. But if you support any of those positions, you must vote to allow the people of the State of Maine to express their feelings. Public opinion changes. We put issues out to the people on the Bottle Bill. Part of the reason was the saving of energy if I remember the arguments. We put referendums out to the people on everything. Yet you're telling me that this issue, this issue which stands to save the people of the State of Maine \$12,000,000 in the first year isn't important enough to go to the people.

I get very upset when I hear that. I really do. I think if this issue were to go out that once and for all, one way or the other the proponents and the opponents would get their act together. They would put this thing to rest or they would deliver the message to Washington that Yes, we do want the Dickey-Lincoln project in Northern Maine.

So I would hope very much this morning that you would vote against the pending motion. Vote against it based on if they've got the information, if Congressman Conti from Massachusetts has got the information to make his decision on this issue, then my people in the State of Maine have got the information to make their decision. Give them that chance. Thank you.

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

Senator LOVELL: Mr. President and Ladies

and Gentlemen of the Senate: The Clam Shell Alliance has shown us that it's going to be very difficult to build nuclear energy plants in Maine or anywhere. Also, with the pollution of coal with sulfur in it, it's going to be hard to get the permission for Central Maine to build coal plants. But in a couple of years, it's going to be awful cold. There's going to be a few thousand people freeze to death in Maine, and in maybe some other states too.

Then I think that they would say, well, I wished that I had now taken a chance and had a nuclear power plant because if I had a nuclear power plant or the Dickey-Lincoln Project, I wouldn't be freezing to death. I'd have a little electricity. Just as sure as you're sitting here, not maybe 2 years, 3 years, but 5 years, you're going to be so down on oil that you can't even afford the oil. So the only thing you're going to be able to afford is nuclear energy and water power.

So I would agree with the good Senator Carpenter. I hope you will vote Ought Not to Pass on this bill.

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

Senator O'LEARY: Mr. President, I signed Report "B" of the Committee. I don't stand here today expecting that it will pass. I know the political consequences of this bill. I would hope that we would defeat the pending motion and accept the Majority Ought Not to Pass. Then accept Report "C", and put out the pure simple question to the people. Do you want Dickey-Lincoln? Pure and simple. That's all that I would ask of this Senate, and this Legislature. I think the people of the State of Maine deserve an opportunity to vote on the question.

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

Senator SILVERMAN: Mr. President and Members of the Senate: I looked into my books on this. According to what I have here, there'll be 438,000,000 kilowatt hours delivered to Maine citizens, because of Dickey-Lincoln. I have to leave this with one more quote. Is the power of the press going to continue to be more important in the State of Maine than the needs of the people? Thank you.

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 was ordered.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Dickey-Lincoln is a political football. I checked it out last year, and flew over it. There's not much head of water there. It's good only for peak power. You can go up the Kennebec Valley. We have a couple of sights there for pumping projects. Probably one would cost half the cost of the Dickey-Lincoln and generate as much peak power as the Dickey-Lincoln would, and not flood, a very minimal amount of timberlands.

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

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate. In response to the gentleman from Somerset, Franklin, Senator Redmond, I would just re-emphasize what I said about this energy situation being a huge jig-saw puzzle. I don't begrudge him his low-head hydro. I don't begrudge anybody their nuclear, if that's the way they feel, or their oil, whatever's left of it, or their coal.

All I'm saying is, we're not going to find one substance to replace oil. Let's look at the number of alternatives that we have left. Let's

build the Dickey Project if that's what the people want and if that's what's good. Let's build the low-head hydro. Let's build nuclear. Let's build whatever we have to that is safe and clean and affordable.

We've got an area up there. The good Senator said he flew over the area. I've flown over the area too. I've also flown over the area around some of the hydro projects in Canada, whose power I buy, whose expensive power I buy. We get whatever's left over after the Canadians use the cheap stuff for their own use. I don't blame them there.

This is a peak power project, but I would say that the Central Maine Power Company must be concerned about peaking power contrary to what the good Senator from Penobscot, Senator Trotzky, indicated. We have K.S.T. days, "Kilowatt Savings Time." We have times, certain peak load hours, when Central Maine says—Hey! Cool it! Don't wash your clothes. Don't use your electric dishwasher, because we might have a possibility of a brown out if you do. That's where peaking power comes in—my colleagues in the Maine Senate. That's what Dickey-Lincoln might just provide. Don't be flim-flammed by the argument that Quoddy is a better idea. The same people who are opposed to Dickey-Lincoln today killed the Quoddy Project 30 years ago. The 2 are tied together, one peak power, one base load power, I consider the Quoddy to be another part of that jig-saw puzzle.

So I just want you to be sure. The vote is on pending motion of Ought Not to Pass. If you're not in favor of allowing the people of the State of Maine to have a say in this decision, if you're not in favor as of November 1980, then you'll vote Yes on the pending motion. If you think the people ought to get involved in the act, then vote No. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Trotzky, that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Majority Ought Not to Pass Report.

A No vote will be opposed.

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

ROLL CALL

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

NAY — Carpenter, Clark, Conley, Cote, Danton, Devoe, Farley, Lovell, O'Leary, Pray, Silverman, Trafton, Usher

ABSENT — Martin, McBreaity, Minkowsky, Najarian

A Roll Call was had.

15 Senators having voted in the affirmative, and 13 Senators in the negative, with 4 Senators being absent, the motion to accept the Majority Ought Not to Pass Report does prevail.

Under Suspension of the Rules, on motion by Senator Katz of Kennebec, there being no objections, all items previously acted upon with the exception of those items held, were sent forthwith.

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

Senator KATZ: Mr. President, I move reconsideration of L. D. 992.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the Senate reconsider its action whereby on Bill "An Act for Expression of Public Sentiment on the Dickey-Lincoln Hydroelectric Power Project by Referendum" (H. P. 798) (L. D. 992), it voted to accept the Ought Not to Pass Report.

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.

On motion by Senator Pierce of Kennebec, Recessed until 2:30 o'clock this afternoon

(Recess)

(After Recess)

The Senate called to Order by the President.

On motion by Senator Pierce of Kennebec, the Senate voted to take from the Unassigned Table:

Bill, "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education." (H. P. 937) (L. D. 1147)

On motion by Senator Pierce of Kennebec, the Senate voted to Suspend the Rules.

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

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

Senator PIERCE: Mr. President, I now present Senate Amendment "A" to Committee Amendment "A" under Filing Number S-300 and move its adoption.

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

Senate Amendment "A" (S-300) 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.

Divided Report

The Majority of the Committee on Agriculture on, Bill, "An Act Relating to Potato Quality." (H. P. 993) (L. D. 1230)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-589).

Signed:

Sensors:

HICHENS of York

MARTIN of Aroostook

Representatives:

TORREY of Poland

SHERBURNE of Dexter

NELSON of New Sweden

WOOD of Sanford

LOCKE of Sebec

MICHAEL of Auburn

ROOPE of Presque Isle

MAHANY of Easton

TOZIER of Unity

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

Signed:

Sensor:

CARPENTER of Aroostook

Representative:

ROLLINS of Dixfield

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

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act Regarding Laws Relating to Town Lines." (H. P. 1281) (L. D. 1534)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

EMERSON of Penobscot
REDMOND of Somerset
COTE of Androscoggin

Representatives:

LaPLANTE of Sabattus
DRINKWATER of Belfast
WENTWORTH of Wells
BORDEAUX of Mt. Desert
STOVER of West Bath

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-507).

Signed:

Representatives:

DUTREMBLE of Biddeford
McHENRY of Madawaska
NELSON of Roque Bluffs
McMAHON of Kennebunk
BROWN of Livermore Falls

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

Which Reports were Read.

The Majority Ought Not to Pass Report of the Committee, accepted, in non-concurrence.

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

Senator KATZ: Mr. President, I move we reconsider our action whereby we adopted the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the Senate reconsider its action whereby it adopted the Ought Not to Pass Report of the Committee.

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.

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

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Amend the Law Relating to the State Board of Social Worker Registration." (H. P. 1018) (L. D. 1251)

Reported that the same Ought to Pass.

Signed:

Sensor:

AULT of Kennebec

Representatives:

HOWE of South Portland

JACKSON of Yarmouth

ALOUPIS of Bangor

DUTREMBLE of Biddeford

LIZOTTE of Biddeford

WHITTEMORE of Skowhegan

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

Signed:

Sensors:

CHAPMAN of Sagadahoc

CLARK of Cumberland

Representatives:

BRANNIGAN of Portland

GWADOSKY of Fairfield

SPROWL of Hope

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

Which Reports were Read.

On Motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending acceptance of either Committee Report.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to Lending Institutions and Selection of Title Attorneys." (H. P. 332) (L. D. 431)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-611).

Signed:
Senators:

AULT of Kennebec
CLARK of Cumberland

Representatives:

HOWE of South Portland
BROWN of Bethel
DUTREMBLE of Biddeford
LIZOTTE of Biddeford
ALOUPIS of Bangor

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

Signed:

Senator:

CHAPMAN of Sagadahoc

Representatives:

WHITEMORE of Skowhegan
SPROWL of Hope
GWADOSKY of Fairfield
JACKSON of Yarmouth
BRANNIGAN of Portland

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

Which Reports were Read.

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

Senator CHAPMAN: Mr. President, are we presently on L. D. 431?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CHAPMAN: I move the acceptance of the Minority Ought Not to Pass Report, Mr. President.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, moves the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

Senator CLARK: Thank you, Mr. President. I would hope that the Senate would not accept the Minority Ought Not to Pass Report of this afternoon, but would rather accept the Ought to Pass Report.

L. D. 431, An Act Relating to Lending Institutions and Selection of Title Attorneys, is one of those bills that occasionally appears before the Committee on Business Legislation. It is the second time in my legislative experience in which this bill has been before us.

It is one of those bills which we can easily label as freedom of choice, for it allows people seeking mortgages to select their own Title Attorney. There is in this State a situation which has prompted the introduction of this piece of legislation. The situation across the State has improved since earlier legislatures, but it still exists. By that I mean that there are those Title Attorneys or those qualified attorneys in the State who are in fact closed out. Closed out of the title search market, by what may be called 'sweetheart arrangements', or prior business arrangements between lending institutions and firms of attorneys who have traditionally and consistently performed the title search function.

This bill is introduced by a member of the other body, who is privy to this subject when he at that time served on the Committee on Business Legislation. I would draw the attention of some of the members of this Chamber to an amendment or 2 that's floating around and would remind all of us including myself that if we accept the Majority Ought to Pass Report, following the lack of acceptance of the Minority Ought Not to Pass Report. At that time these amendments could be offered.

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

Senator DEVOE: Thank you very much, Mr. President. Mr. President and Members of the Senate: I have some questions for the good Senator from Cumberland. I would appreciate it if she could give us her considered opinion even if it involves tabling this until later in the day.

I would like to have the good Senator from

Cumberland define what she means by searching the title? Question #1.

Question #2, is a Credit Union included within the definition of Financial Institution in Committee Amendment "A"?

#3, I would ask the good Senator what is a qualified attorney, in her opinion? Does the qualification of the attorney rest solely on whether that attorney is able to pay the premium on what the bank might consider to be a sufficiently large mal-practice insurance policy?

#4, is a National Bank included within the definition of Financial Institution? These are questions that I think are significant to a more full and complete understanding of this Committee Amendment. I would appreciate it if the good Senator if she wishes to table until later in the day or for a day, so that she can research this and give us the benefit of the answers to this, I think would be a big help. Thank you very much, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I hope that the Senate would reject the pending motion. I appreciate the good remarks made by the Senator from Penobscot, Senator Devoe, and all of his 4 frivolous questions.

If this Senate was made up of 33 attorneys, I'm sure we'd get 33 answers, all different. The issue before us today is a very important issue to anyone who is purchasing a home. Why should that individual be denied the right of hiring outside counsel or if he is fortunate enough to have a member of his own family a lawyer capable of searching a title, why should they not have the right to have that happen? Why should they be under the strong arm of the banks? Because the banks have an attorney that does all of the title searching for them?

Doesn't one attorney have the same malpractice insurance against him as the one working for the bank? We know what happens when the attorney working for the bank, what happens to the individual when the bank does the researching on the title, or searching the title? We pay for it and we pay heavy for it.

This is a fair bill. There's no reason why it shouldn't be accepted. I would ask for a Roll Call on the motion, when the vote is taken, Mr. President.

The PRESIDENT: A Roll call has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: This particular bill, L. D. 431 has caused some major consternation to the Business Legislation Committee. It's been with us for a long time.

It seems like the current amendment that you have before you is something like the 5th or 6th or 7th amendment that the committee has considered in an attempt to try to get this bill into a posture that they could agree upon. As you can see, even at that, we are pretty evenly divided.

As I see the issue, there are in 2 or 3 instances, banks that are causing a problem here, only in 2 or 3 instances. The vast majority of the other banks allow sufficient freedom of choice so that there is no problem. What I see here is a sledge hammer approach to kill a fly.

The bill, as amended, if it should pass, in that form, in my view, will very likely increase the cost of closing, unnecessarily, to all borrowers.

Since I think you will find that all banks will tend to require title insurance to support any closing. That rather than try to address the problem otherwise, the easy way for the banks is to insist on Title Insurance, and that cost will obviously have to be borne by the borrowers. That's going to increase the cost of closing in Maine.

The hearing was attended primarily by law-

yers who were concerned about this issue. Again I guess I just feel like it's a sledge hammer approach to a small issue. That the problem areas are less than they used to be. I feel that they will work themselves out without the need for this legislation.

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

Senator CONLEY: Mr. President, I'd pose a question through the Chair to the good Senator from Sagadahoc, Senator Chapman. I would ask, are there presently today in the State of Maine, banks who do allow individuals purchasing a home to have their own attorney do the research on the title?

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

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: To respond to the Senator from Cumberland, Senator Conley's question, yes there are. In other instances there, as I say, really the problem areas are only in 2 or 3 instances where there seems to be consternation and a problem of not allowing other attorneys that the borrowers may wish to use. That's why I see this as an issue that's going to affect borrowers in all banks throughout the whole State, in a level that I think, is adverse to the intent here or the objective. In correcting a few situations, that perhaps you would say are not ideal at the present time, will place additional costs on a great many people through what I suspect will be the insistence on Title Insurance to meet the conditions of this bill, if it passes.

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

Senator PERKINS: Mr. President and Members of the Senate: I rise to differ with my good friend, the Senator from Androscoggin, in that he says we are taking a sledge hammer approach to a very small area. I have heard reference to my area of the State as being several things, but not small particularly in its geography.

When you consider that the area affected includes all those borrowers from Bangor, North, and East. Then I do not consider it a small area. We have lending institutions, preliminary savings institutions who are doing the majority of the lending for homebuyers in that area who have their own select group who they deem are those only qualified to do title searching.

To my knowledge the State of Maine requires one type of examination for law in the State, and that is passing the Bar. I don't think they abrogated any authority to any institution, whether it be lending or whatever as to who was or who was not qualified. This is exactly what this bill addresses, is the fact that some of these institutions are arbitrarily deciding that they are the only judges of the qualifications of people to search titles.

It is also interesting to note that some of these people whom they've deemed this week to be qualified to search titles have left firms who have had an arrangement with these institutions, and then went in private practice and the next week they were not deemed qualified.

I don't think this really is a sledge hammer approach, but an approach towards equity for all borrowers within the State that they might seek whatever attorney they wish. They are the ones that are paying the bill, not the bank.

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.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, with re-

spect to the area that the good Senator from Sagadahoc, Senator Chapman, mentioned, I think that could very well be straightened out in the Second Reader. I would hope that the Senate would keep the bill alive, at least until that time.

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

Senator DEVOE: Thank you, Mr. President, I would just like to direct a question through the Chair if I may to the good Senator from Cumberland, Senator Clark, to inquire whether she might favor us with a reply to the query that I posed a few minutes ago. If she would intend to, could she let us know if she would rather not, then I have some further comments that I could make. I wonder if we could inquire of the good Senator from Cumberland, if she intends to give us an answer to the questions that I raised?

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President, I would attempt to respond to 2 of the questions that I can. It's called 'casual responses.'

I don't have my material with me or before me. As we all know, I'm not an attorney. Credit Union in the State generally is included in the term Financial Institution, although there are many instances in Maine's Statutes where the Statutes refer to Financial Institutions and Credit Unions. I'm sure that the good gentleman from Penobscot will have a good time in litigating that.

A qualified attorney as I understand it is an attorney who has passed the Maine Bar, is duly licensed and qualified to operate within the State of Maine, and holds what is an acceptable educational background.

I am unable to give him a legal definitive, definition for phrase 'Searching the Title' but I'm sure that the good gentleman from Penobscot knows those activities within the law and within the acceptable practices of his profession which do include searching the title.

The last question, is a National Bank included under the definition of Financial Institutions? National Banks are frequently in Maine statute included in the definition of Financial Institutions within Maine, but as we know, National Institutions do not come under the purview of some of the fees which are charged other Financial Institutions including Credit Unions under the Maine Consumer Credit Code.

While I acknowledge that my responses to his inquiries are probably unsatisfactory, and will be rebutted at length, I would be very happy to share these questions with some of the legal staff that we have available, at hand. I'm sure that those people will be most responsive to providing the kinds of answers that I am unable to share with you this afternoon.

I'd like to be a little bit more precise. The good gentleman from Sagadahoc, Senator Chapman, for whom I have the highest and most sincere respect is correct when he alludes to the fact that the problem that exists across the State is not as severe as it once did, to be more precise, 2 Legislative Terms ago, or 2 Legislatures ago, but it was the impetus of a similar measure which was introduced at that time and heard before the Committee on Business Legislation which has prompted the improvement of conditions in the State of Maine.

It was an assessment of those present on the hearing of this measure that the improvement is based on percentages now 75 to 25.

Then in fact, while a great hunk of Maine's geography is excluded from good business practices, the number of the population represents approximately 25%.

There are in fact on Mount Desert Island 10 qualified lawyers who are active practicing lawyers. They're precluded from any title

searches that deal with certain Financial Institutions in the City of Ellsworth. It is my understanding that in that area, this has been a point of great contention and great concern, not only from the attorneys who are qualified and who are practicing members of the law in the State of Maine, but from the citizens and consumers and clients that they serve.

It's my understanding and I'll use these as they were used at the public hearing, that if you don't belong to a firm with the initials B and B, then you don't search titles for a certain Financial Institution; or if you don't belong to a firm that's H and H, for example, then neither do you search titles for your clients who seek loans for those properties from another certain Financial Institution. While that may seem vague, there are instances in my own Senatorial District where qualified members of the Maine Bar are precluded from searching title for either members of their family or even for themselves, in order to secure the proper financing for properties that they seek to purchase.

So while the problem exists at a decreasing level than it did 4 years ago, the problem does still exist. I might suggest to all the members of this Chamber, that if the Committee on Business Legislation hadn't responded in some fashion to the concern 4 years ago, then the conditions that prevail in the State would not be 75% — 25% in 1979. What probably would have happened is that the conditions would have been 20 to 80, if we're going to keep score on this issue.

I would hope that we would defeat the pending motion, and accept the Majority Report of the Committee.

The PRESIDENT: Is the Senate ready for the question?

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 Sagadahoc, Senator Chapman, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, Devoe, Huber, Lovell, Silverman

NAY — Carpenter, Clark, Conley, Cote, Emerson, Gill, Hichens, Katz, McBreairey, Minkowsky, O'Leary, Perkins, Pierce, Pray, Shute, Sutton, Teague, Trafton, Trotzky, Usher

ABSENT — Ault, Danton, Farley, Martin, Najarian, Redmond

A Roll Call was had.

6 Senators having voted in the affirmative, and 20 Senators in the negative, with 6 Senators being absent, the motion to accept the Minority Ought Not to Pass Report does not prevail.

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

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending adoption of Committee Amendment "A".

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Relating to Membership of Treasurer of State on Boards that Issue Debt." (H. P. 1065) (L. D. 1313)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act Relating to Membership of Treasurer of State on Boards." (H. P. 1448) (L. D. 1646)

Signed:
Senator:

SUTTON of Oxford

Representatives:

CONARY of Oakland
DAMREN of Belgrade
LANCASTER of Kittery
MASTERTON of Cape Elizabeth
BARRY of Fort Kent
PARADIS of Augusta

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act Relating to Membership of Treasurer of State on Boards." (H. P. 1449) (L. D. 1647)

Signed:

Sensors:

AULT of Kennebec
MARTIN of Aroostook

Representatives:

KANY of Waterville
BACHRACH of Brunswick
LUND of Augusta
REEVES of Pittston

Comes from the House, the Minority Report Read and Accepted, and the Bill in New Draft, (H. P. 1449) (L. D. 1647), Passed to be Engrossed as amended by House Amendment "B" (H-601).

Which Reports were Read.

On Motion by Senator Sutton of Oxford, the Majority Ought to Pass, in New Draft, Report of the Committee, accepted, in non-concurrence, and the Bill in New Draft Read Once, and Tomorrow Assigned for Second Reading.

Senate

Ought to Pass — As Amended

Senator Teague for the Committee on Taxation on, Bill, "An Act to Remove Moose River from the Maine Forestry District." (S. P. 4) (L. D. 4)

Reported that the same Ought to pass as amended by Committee Amendment "A" (S-304).

Senator Carpenter for the Committee on Health and Institutional Services on, Bill, "An Act to Establish a Protection and Advocacy System for the Developmentally Disabled of the State of Maine." (S. P. 358) (L. D. 1106)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-305).

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

Ought to Pass in New Draft

Senator Ault for the Committee on State Government on, Bill, "An Act to Protect Subcontractors from Nonpayment on Public Improvement Contracts." (S. P. 370) (L. D. 1150)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Protect Subcontractors from Nonpayment on Certain Contracts with the Department of Transportation." (S. P. 594) (L. D. 1667)

Which Report was Read and Accepted. The Bill, in New Draft Read Once, and Tomorrow Assigned for Second Reading.

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1980, and June 30, 1981. (Emergency) (S. P. 239) (L. D. 688)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act Making Supplemental Appropriations and Other Necessary Adjustments from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981." (Emergency) (S. P. 600) (L. D. 1673)

Which Report was Read.

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

Senator HUBER: Mr. President and Members of the Senate: I would like to call the Senate's attention to L. D. 1673, which is the Part II Budget.

The Part II Budget traditionally is new or expanded services. This bill contains very few new and in fact, very few expanded services. It is primarily funding of existing programs, required by inflation, by prior constraint and by other causes.

I hope the Senate would give the First Reading today. I hope the various parties will discuss it in caucus, and we can proceed on a more informed basis in the very near future.

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

Senator SILVERMAN: Thank you, Mr. President. Mr. President and Members of the Senate: As we look at Part II of the Supplemental Budget, and from past experiences over the last 4 years I would like to bring to the attention of the Appropriations Committee that one of our major areas of under-funding has been the energy used by our institutions. In other words as the cost of oil goes up, their costs go up also, quite large now. What has the Appropriations Committee done to anticipate the rising cost of fuel for these institutions?

The PRESIDENT: The Senator from Washington, Senator Silverman, has posed the question through the Chair to any member of the Appropriations Committee who may care to answer.

The Ought to Pass, in New Draft Report accepted. The Bill, in New Draft, Read Once, and Tomorrow Assigned for Second Reading.

Second Readers

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

Senate

Bill, "An Act Relating to Requirements for Discharge into Class A Waters." (S. P. 566) (L. D. 1629)

Bill, "An Act Concerning Revisions in the Maine Juvenile Code and Maine Criminal Code." (S. P. 592) (L. D. 1661)

Bill, "An Act to Revise the Physical Therapist Practice Act." (S. P. 593) (L. D. 1664)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Nonprofit Hospital or Medical Service Organizations." (S. P. 357) (L. D. 1105)

Bill, "An Act Relating to the Licensing of Auctioneers." (S. P. 430) (L. D. 1379)

Bill, "An Act to Provide for the Registration and Protection of Trademarks." (S. P. 43) (L. D. 29)

RESOLVE, to Reimburse Norman M. Curtis for Financial Loss Due to a Legislative Oversight." (S. P. 412) (L. D. 1268)

Bill, "An Act Concerning the State Claims Board." (S. P. 418) (L. D. 1290)

Bill, "An Act to Indemnify Motor Vehicle Dealers for Legal Expenses Against the Manufacturer." (S. P. 544) (L. D. 1610)

Bill, "An Act to Conform Land Use Regulation in the Unorganized Territory to Statewide Standards." (S. P. 415) (L. D. 1289)

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

Sent down for concurrence.

Bill, "An Act to Grant the Public Utilities Commission Jurisdiction to Review Adjustments under the Fuel Adjustment Clause." (Emergency) (S. P. 507) (L. D. 1567)

Which was Read a Second Time.

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

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

Senator PIERCE: Mr. President, I would

now present Senate Amendment "A" to Committee Amendment "A" under Filing Number S-307 and move its adoption.

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

Senate Amendment "A" (S-307) Read.

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

Senator O'LEARY: Mr. President, I would like it if the good Senator from Kennebec, Senator Pierce would explain just what this amendment does?

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: The amendment before you actually is present law. When we adopted the rest of the bill, the proofreaders found that this sentence was left out by mistake and there's no change in the present law whatsoever.

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

Bill, "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools." (S. P. 469) (L. D. 1417)

Which was Read a Second Time.

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

Senator COLLINS: Mr. President, this bill encourages school personnel to report use or trafficking of drugs on school property. Grants them civil immunity if they do this.

My concern with this is that it is so broadly drawn that I'm afraid it will be very difficult to enforce. That it will become a counter incentive, rather than an incentive. I think that the word drugs has to be defined to get it narrowed down to the classified drugs that are in the criminal code.

The other thing that concerns me is that if we have teachers getting into the permanent records of the children, their suspicions of the passing of drugs, the parents may never know about it. Yet it may become a permanent record, and damage the child in years to come. I think there could be a time limit for notification of parents or some other restraint in this respect.

I have discussed this briefly with members of the Education Committee, with staff of that committee. I understand that staff are working on an amendment. It may be possible that it can be amended so that I could accept it, but in the present posture I think it would be rather a problem and I would not vote for it. So I would urge that it either be tabled or that you vote against it.

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

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

Senator PIERCE: Mr. President, in regards to L. D. 1567, I now move we reconsider our action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate reconsider its action whereby Bill, "An Act to Grant the Public Utilities Commission Jurisdiction to Review Adjustments under the Fuel Adjustment Clause" (Emergency) (S. P. 507) (L. D. 1567) was Passed to be Engrossed.

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

Enactors

The Committee on Engrossed Bills reported

as truly and strictly engrossed the following:

An Act to Amend the Standard Nonforfeiture Law. (H. P. 726) (L. D. 913)

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

An Act to Clarify and Amend the Investment Provisions of the Maine Insurance Code. (H. P. 621) (L. D. 778)

An Act Providing for the Consideration of Solar Energy Requirements in Comprehensive Plans. (H. P. 800) (L. D. 996)

An Act to Authorize the Bureau of Public Lands to Lease Lands in the Intertidal Zone Adjacent to Permanent Structures. (H. P. 842) (L. D. 1044)

An Act to Provide for the Issuance of a Warning for Operating an Unregistered Motor Vehicle within one Month of the Expiration of Registration. (H. P. 858) (L. D. 1058)

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)

An Act to Facilitate Absentee Voting in Foreign Jurisdictions. (H. P. 905) (L. D. 1126)

An Act Relating to Withdrawal Penalties under the Tree Growth Tax Law. (H. P. 1003) (L. D. 1237)

An Act to Permit the Consideration of Solar Access Issues when Approving any Subdivision. (H. P. 1238) (L. D. 1491)

An Act to Require Disclosure of Certain Information to Prospective Purchasers of Life Insurance. (H. P. 1276) (L. D. 1555)

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

An Act to Strengthen the Procedures for Prosecuting Operating Under the Influence Cases and Strengthen the Penalties for First Offenses. (H. P. 934) (L. D. 1166)

An Act to Improve the Administration of the Second Injury Fund under the Workers' Compensation Laws. (H. P. 1260) (L. D. 1521)

An Act to Redefine the Term "Political Committee" Under the Election Laws. (H. P. 1332) (L. D. 1579)

An Act Relating to State Agency Purchase of Products of Maine Farms and Fisheries. (H. P. 1436) (L. D. 1638)

An Act to Clarify Equivalent Instruction as an Alternative to Compulsory Education. (H. P. 1440) (L. D. 1642)

An Act to Regulate the Distribution, Labeling and Sale of Plant and Soil Amendments. (H. P. 1441) (L. D. 1643)

An Act Concerning the Saco River Corridor Commission. (H. P. 797) (L. D. 967)

An Act to Clarify the Requirements Relating to Campaign Reports and Finances. (H. P. 1050) (L. D. 1301)

An Act to Strengthen the State's Capability to Assess Maine's Forest Resources. (H. P. 1317) (L. D. 1571)

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 Establish A Marijuana Therapeutic Research Program. (H. P. 523) (L. D. 665)

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

Senator GILL: Thank you, Mr. President. I don't want to talk too long on this item, but I just can't let it go by. It's at the last stages. If nothing else, I want to say I told you so. I want it to be on Record that I'm telling you so, that in the future 2 years, 4 years down the road we're going to come back in here. Someone's going to come back with amendments to amend this piece of legislation, which I consider very permissive legislation.

It was expanded to include many areas of health that I consider not really serious. Having been involved in the drug business in

the past, we have had what we've used as placebos which doctors have prescribed to different people. They're nothing. They're a capsule with nothing in them. The psychological effect of these placebos really does help a lot of people. The doctors are surprised at this and yet they continue to prescribe it. The people seem to get some relief out of nothing that they are taking.

I maintain that that is about what we're doing here. The marijuana is not going to help that many people. What we're going to do is put on the books a way for people to get at this and expand it. I just can't let it go by, I would feel remiss in my duties if I just let this go by. So I would ask that a Division be taken on this.

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

Senator HICHENS: Thank you, Mr. President. Mr. President and Members of the Senate: Sharing completely the thoughts expressed by the good Senator from Cumberland, I make a motion for this bill to be indefinitely postponed. I would ask for a Roll Call.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: I think I've debated this bill 3 or 4 times. Speaking of placebos, I have the gout and I don't think a placebo is going to do any good for the gout. The pain is very serious. The pain in the aftermath of the cancer treatment, and saving possibly the eyesight from glaucoma to me is very, very important.

I just ask the Senate to stick by their last vote. I could go into a great deal more. This is only going to last 2 years, not 4 years, just a 2 year program.

It's strict as can be. The doctor has got to have every kind of a qualification. The pharmacist has got to have every kind of a qualification, and the prescription has got to be written and rechecked and checked. Many doctors won't even bother with it, unless they've got a cancer patient or somebody with glaucoma. So I would urge you to defeat the Indefinite Postponement, and request a Roll Call.

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 Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would just echo the words of the good Senator from York, Senator Lovell. We've had I think 4 or 5 Roll Calls on this issue. I think the medical evidence, the research that's been done indicates that this is not a placebo type measure. I concur wholeheartedly with my friend, the Senator from Cumberland, Senator Gill, that there undoubtedly will be amendments to this statute if it becomes law, offered to the next session of the Legislature. I think that's fine. That's the Democratic Process.

Let's take those amendments one by one, based on the medical evidence. If the next one that comes along has as much problem getting through here as this one has, I don't think we're really opening that door too wide. But we can, as admitted by one of the opponents to the bill, we can help some people, relieve some suffering. If you have any doubts, I suggest you read the front page of today's Boston Globe. Thank you very much.

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

Senator SUTTON: Mr. President, Amen!

The PRESIDENT: The pending question

before the Senate is the Motion by the Senator from York, Senator Hichens, that L. D. 665 be Indefinitely Postponed.

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 — Devoe, Gill, Hichens, Silverman.

NAY — Carpenter, Chapman, Clark, Collins, Conley, Cote, Emerson, Huber, Katz, Lovell, McBreairey, Minkowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Sutton, Teague, Trafton, Trotzky, Usher.

ABSENT — Ault, Danton, Farley, Martin, Najarian.

A Roll Call was had.

4 Senators having voted in the affirmative, and 23 Senators in the negative, with 5 Senators being absent, the Motion to Indefinitely Postpone does not Prevail.

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

RESOLVE, Relating to a Report on a Single Source for Funding of and Reporting by Residential Programs for Youth. (H. P. 951) (L. D. 1220)

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

Emergency

An Act Extending the Time for the Appointment of County Taxes to June in the Year 1979. (H. P. 1473) (L. D. 1660)

Emergency

An Act Creating a State of Maine Trustees Advisory Board. (H. P. 1404) (L. D. 1617)

These being emergency measures and having received the affirmative votes of 25 members of the Senate, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act to Regulate Commercial Whitewater Outfitters. (S. P. 348) (L. D. 1094)

Comes from the House, Failed of Final Enactment.

On Motion by Senator Redmond of Somerset, the Senate voted to Suspend the Rules.

On Motion by Senator Redmond of Somerset, the Senate voted to Reconsider its action whereby the Bill was Passed to be Engrossed.

On Motion by Senator Redmond of Somerset, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A".

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

Senator REDMOND: I now present Senate Amendment "C" to Committee Amendment "A" and move its Adoption.

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

Senate Amendment "C" (S-308) Read.

The PRESIDENT: The Senator has the floor.

Senator REDMOND: What this amendment does, it removes the Emergency Clause that was on the bill, it also explains the specifications of what a bateau is. It removes also the dories. It explains the specifications on the bateau because they should be 28 feet from stern stem to bow stem.

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

Senator PRAY: Mr. President and Members of the Senate: I move the Indefinite Postponement of this amendment.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that Senate Amend-

ment "C" be Indefinitely Postponed.

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

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

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: I have tried to stay as far away from this piece of Legislation as possible, I think you're all well aware, seeing some material that came across your desk last week. It is my understanding that this amendment being offered by the Senator from Somerset, Senator Redmond, we completely eliminate one business that presently exists and that is the dory business running down the Kennebec River.

Now I have my own personal feelings about dories, and rafting and whatnot, I have been rafting down the Penobscot, it's a great sport and I think it's something that's come to Maine and is going to be here for a long, long time.

The Legislation that we have before us is basically safety Legislation. I would really question as to the intent. It is my understanding that the bill was put into Legislative Session for the purpose of providing safety for those individuals who either went down the white waters of the Kennebec and Penobscot and other rivers in Maine in rafting, running it by bateau or running it by dories, all three being done commercially.

The amendment before us completely eliminates dories, and the intent of the amendment is to basically outlaw them. As I stated there is presently a business that runs down in the West Forks Country down the Kennebec. This bill would eliminate them from being able to run next year. I don't know if this is really the way we want to try to outlaw a particular business, and I think that is the intent of the amendment, thus I would hope that you would go along with my Motion to Indefinitely Postpone.

The PRESIDENT: Is the Senate ready for the question? A Division has been requested.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President and Members of the Senate: The dories, as far as I know, are used by one of the outfitters that is located at "The Forks," which is in my district. We are excluding the dories from licensing under the Commercial Whitewater Outfitters, because the dories are a short bateau like type of equipment and the people in my area, and the people in the area that I serve feel that they should not be licensed as Commercial Whitewater Outfitters because they are too small.

Last summer there was a drowning in the Kennebec River with one of those dories. So this is the reason why we are leaving them out of the whitewater outfitters and that outfit that uses the dories, also uses the other rafts and if he wants to continue, he can get licensed just like the others and use his rafts. If he wants to use another type of bateau, he would have to use the original, traditional River Driver Bateau that is authentic. I can't see anything wrong with that. It seems that is only the right thing to do.

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

Senator PRAY: Mr. President and Members of the Senate: It's my understanding that the bill is to require individuals to be qualified to run. If we specify those individuals who have been qualified as to bateaus, commercially qualified bateaus 28 feet or larger, or rafts, then I would wonder, or ponder the thought as to whether or not if an individual that was running dories would have to be licensed. Thus they wouldn't have to meet the specifications and the safety standards that we're providing for these other modes of transportation which I think are far safer than dories. If you go down a

raft trip or a bateau or dory, you sign a form telling that you understand the dangers that you are taking and that you waive those rights, in case you get hurt because you are doing it at your own risk.

But if my understanding of the amendment is right, it's going to remove these people, they can still continue to run, they can still continue to do it commercially, they just won't have to meet the safety guidelines. I don't think that's what we're trying to get to today. If I am wrong, I wish that the Chairman of the Fisheries and Wildlife Committee would specify where in the legislation it says that the dories cannot run, if you remove them from the definition.

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

Senator REDMOND: Mr. President and Members of the Senate: The dories under this bill will be left alone just like a canoe. We don't include the canoes here. All we're saying is that the dories will not be able to advertise and be considered as Commercial Whitewater Craft. If anyone wants to go down a steep waterfall with a dory, it's his business and if he wants to sell rides it's his business and he comes under the other laws of the State of Maine, where he needs to have life belts and he needs to have all this safety equipment. He comes under the other safety laws, but here we're speaking of a brand new business, the Commercial Whitewater Outfitters, and the bateau is simply excluded from this law, not the bateaus, the bateaus are included. The traditional river drive bateaus are included, but these small dories that are too small, are not covered under this law.

So what we're saying is that person who wants to give rides in a small, little dory that's too small, he cannot advertise to the public and call it Commercial Whitewater Outfitters, that's all we're doing.

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

Senator CONLEY: Mr. President and Members of the Senate: Last summer I had the opportunity invading the good Senator from Franklin, Senator Redmond's territory, commonly know as "The Forks." I never knew where it was until I was invited to take a raft trip down the Kennebec, and if none of you have done it, I suggest you do it because it's one of the most fun rides you'll ever have in your life. My seatmate also states, 'next to the Penobscot'. I haven't been on the Penobscot yet.

I think some of us should be aware of exactly what happens or what one does prior to engaging upon a raft trip. These rafts are generally very huge, enormous, can hold up to any large number of people. The one I was on, I believe could have held up to 12, but there were some that went by us on the Kennebec, that had as many as 25 or 30 kids on them.

Prior to putting the raft into the water, up at the power site, we all, while the fellow that ran these things was getting the raft and getting everything prepared, we were sort of hanging around and just put on our so-called 'life rafts' and everything. Figured we were all set to go once the raft had been put in the water and was tied down. The guy came back up and said, alright, everybody take off those life rafts, or the 'Mae West' things.

I sort of thought the guy was a little arrogant. I was old enough to realize how to put on a life raft, 'Mae West'. Anyway the thing had to come off. Finally he said, alright now, you button the top button, you button the second button, you button the third button, tied the rope around us, or whatever it was. Then reversed it and all this. Well he put me through a course that I had never been through before.

The primary thing was that he's a commercial individual, this is his type of work. He explained to us exactly if the raft were to overtip or something, what to do, and how to position

one's body etc., etc., and where to go, where to head for. A great deal of concern was given to the safety of those individuals. The strange thing, as the good Senator from Franklin, pointed out, there was an accident up there on a dory where, I believe it was a woman who lost her life. But there was a certain amount of carelessness involved in that accident. That was pointed out to us in the area of the Kennebec, where this accident took place.

Hence, I want to get particularly to the bill itself. If you look at section 2086, under the bill where it says licenses. It says—application—any person in the business of conducting white-water rafting dory or bateau trips on rapidly flowing rivers shall obtain a license from the Commissioner.

Well I think that if we're going to have people engaging in this type of commercial venture, then I think that we should have licenses and we should have specific requirements as to what should be done for those people. That's what this whole entire bill deals with. The safety of individuals who want to engage this type of professional to insure that their safety is going to be met, or the high standards are going to be met.

To exempt the dory from this would allow an individual with no license whatsoever to just go into the business and you take your own chances. I think if we're going to allow that, then we should be very, very, strict and stringent upon them. I think it would make good sense if we defeated the proposal that is presently before us with the Senate Amendment.

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

Senator REDMOND: That's a good point that the Senator from Cumberland just made. He should have continued and enumerated the aluminum boat, the 15 ft. rowboat. Someone can give rides down that river in a 16 ft. rowboat. He can give rides down in a canoe.

Commercially they can use a yacht if they want to put it in those swift waters, except that they cannot advertise. They are not classified as a Commercial Whitewater Outfitter. We're strictly dealing with Commercial Whitewater Outfitters.

If anyone uses his fiberglass boat that he uses to go fishing, he can have a big one and give rides commercially, but he cannot advertise that. The dories are under the same rules of safety as all other water craft. As far as that goes, someone can make and handbuild a raft with logs, and give rides. No one can prevent that. We don't prevent that. All we're dealing with is to regulate the Commercial Whitewater Outfitters. Those are the people who go down the river in the large raft.

It's known nationally. They've been doing it here for a few years. These people have come to the Legislature to ask us to regulate them. This is just what we're doing. We're just beginning. If this law passes it's going to come into effect late this summer. It will give time to the Department of Fisheries and Wildlife to do some studies and get organized to regulate these outfitters. They may come back next year with another bill to make this a better law. I wouldn't have any objections to that. But I hope that the Senate will go along with this amendment. So we can at least make a first step towards regulating Commercial Whitewater Outfitters.

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

Senator TROTZKY: Mr. President, I agree with Senator Conley. I believe that there is a problem with this amendment, in that the dory is more dangerous probably, the small dory in going down through the rapids than probably a large raft or a large bateau.

Also with the bill, there's something else, I put on an amendment when it came through here at Engrössment, which changed the annual fee for licensing from \$500 down to \$250. There was another section which had to do with

renewal which should have changed from \$500 down to \$250 also. So I have to have an amendment prepared to change that, to be consistent in both sections, and would hope somebody would table this for one day.

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

Senator PIERCE: Mr. President and Members of the Senate: Whether or not we address that amendment, may I suggest that after this lengthy debate we at least vote on the present amendment and dispose of that, at this time before anybody moves to table this bill.

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

Senator PRAY: Mr. President, having spoken 3 times, I request permission to speak a fourth.

The PRESIDENT: The Senator from Penobscot, Senator Pray, asks leave of the Senate to speak a fourth time. Is there objection?

The Senator has the floor.

Senator PRAY: Thank you, Mr. President, Mr. President, and Members of the Senate. I apologize for the lengthy debate caused by my motion to Indefinitely Postpone, but I want to assure the good Senator from Somerset, Senator Redmond, I am not attempting to act contrary to the wishes of his constituency. What he has expressed is that his constituency is concerned about the fact that the dories presently are running. That they feel it's very dangerous.

His amendment does not outlaw them. His amendment opens it up so that they have less requirements upon them. I think that that's exactly what we're talking about, on his amendment when he removes dories from the existing bill.

I would suggest that perhaps what he wants to do is add an amendment to the bill to specify that dories cannot commercially run whitewater. That would still allow an individual who wants to take a dory down, his own dory or somebody else's dory and still run the Kennebec or the Penobscot, or any place else. But when they're going to take passengers on for hire, and charge them a fee, then those people should expect responsible action by the State to assure a certain amount of safety. That's what the bill attempts to do.

I have read the bill over numerous times and I cannot find anywhere where it relates to advertising as a Whitewater Outfitter. Particularly when you take the definitions and you delete the word dory, then you're removing them from the responsibility of advertising as a Whitewater Outfitter. I think that his amendment is contrary to his intent.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion of the Senator from Penobscot, Senator Pray, that Senate Amendment "C" be Indefinitely Postponed, 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 10 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: I request this item be tabled until later in today's session.

The PRESIDENT: The Senator from Cumberland, Senator Usher, moves L. D. 1094, be tabled until later in today's session, pending Adoption of Senate Amendment "C" to Committee Amendment "A".

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.

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

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

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

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

Under Suspension of the Rules, there being no objections, all items previously acted upon were sent forthwith.

Orders of the Day

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

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

Tabled—May 31, 1979 by Senator Collins of Knox.

Pending—Passage to be Engrossed.

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

Senator COLLINS: Mr. President, the Judiciary Committee has been working on this bill rather steadily, and has a full evening scheduled for tonight and hopefully we'll wrap it up. We, by Committee vote closed the bill at 5 p.m. yesterday. I would remind the Senate that if there are to be any floor amendments, we hope there won't be any, but if there are to be any, you have to get them printed 24 hours in advance under the rules. I would hope that this bill, therefore, might be tabled for 1 or 2 Legislative Days. Hopefully, we'll have the full wrap-up for you shortly.

On motion by Senator Katz of Kennebec, retabled for 2 Legislative Days.

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

SENATE REPORTS — from the Committee on Health and Institutional Services — Bill, "An Act to Place an Annual Limit on Capital Expenditures Approved in Accordance with the Provisions of the Maine Certificate of Need Act of 1978." (S. P. 477) (L. D. 1474) Majority Report — Ought to Pass as amended by Committee Amendment "A" (S-290); Minority Report — Ought Not to Pass

Tabled—June 4, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of either Report.

On Motion by Senator Katz of Kennebec, retabled for 1 Legislative Day.

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

SENATE REPORTS — from the Committee on Health & Institutional Services — Bill, "An Act Relating to Dental Health." (S. P. 330) (L. D. 964) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-291) Minority Report — Ought Not to Pass

Tabled—June 4, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

On Motion by Senator Katz of Kennebec, Re-tabled for 1 Legislative Day.

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

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

Tabled—June 4, 1979 by Senator Pierce of Kennebec.

Pending—Enactment.

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

The Chair laid before the Senate the Fifth

Tabled and specially assigned matter:

Bill, "An Act Establishing the Municipal Cost Component for the Unorganized Territories." (H. P. 1465) (L. D. 1656)

Tabled—June 4, 1979 by Senator Teague of Somerset.

Pending—Enactment.

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

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

Bill, "An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families." (H. P. 1254) (L. D. 1554)

Tabled—June 4, 1979 by Senator Gill of Cumberland.

Pending—Passage to be Engrossed.

On Motion by Senator Gill of Cumberland, retabled for 1 Legislative Day.

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

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

Tabled—June 4, 1979 by Senator Katz of Kennebec.

Pending—Enactment.

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

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

Bill, "An Act to Establish Energy Efficiency Building Performance Standards for the State of Maine." (H. P. 522) (L. D. 666)

Tabled—June 4, 1979 by Senator Katz of Kennebec.

Pending—Adoption of Senate Amendments "A" (S-278) and "B" (S-280) to Committee Amendment "A" (H-536)

Senate Amendment "A" Adopted.

Senate Amendment "B" Adopted.

On Motion by Senator McBreairty of Aroostook, the Senate voted to reconsider its action whereby it adopted Senate Amendment "B".

On Motion by Senator McBreairty of Aroostook, Senate Amendment "B" Indefinitely Postponed.

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

Senator McBREAIRTY: Mr. President, I offer Senate Amendment "C" to Committee Amendment "A" under Filing Number S-299 and move for its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, now offers Senate Amendment "C" to Committee Amendment "A" and moves its adoption.

Senate Amendment "C" (S-299) Read.

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

Senator TRAFTON: Mr. President, I'd like to ask the good gentleman, Senator McBreairty, to please explain this amendment. I can't find it.

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

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President and Members of the Senate: I'm about as confused as everyone else. I was told that the amendment that I offered yesterday had some mistakes in it and was asked to offer this amendment to correct the mistakes in the former amendment.

Senate Amendment "C" Adopted. Commit-

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

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

Senator O'LEARY: Mr. President, I never had too much faith in this bill. I think I signed it Ought Not to Pass, so at this time I'd move the Indefinite Postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that L. D. 666 be Indefinitely Postponed.

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 to Indefinitely Postpone, please rise in their places to be counted.

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: I fear in the face of the Division that maybe words are fruitless at this point, but I think that the amendments that have been presented and adopted today take care of many of your objections. I would hope that you would look more closely at the bill. I think that it represents a major commitment of this Legislature toward Energy Conservation in Maine, and this is a commitment that has been made in 39 other states with similar kinds of Legislation.

Yesterday I had distributed on your desks an editorial from the Maine Sunday Telegram, which I think brings to light several points that we should be considering today. Basically that is what happens to our State if we don't make this commitment to Energy Conservation. Of course it's going to mean, not only higher rates that we'll pay in our electrical bill, but it also means that we continue to shorten the already limited supply of oil that we have available to us.

I would just call to your attention one particular devastating fact that I learned, that is, if we continue to increase our demand for oil and energy that we're going to demand that new facilities be built, and right now the CMP's net worth, as of December 31, 1978, is approximately \$634,000,000. If we can't curb our taste for energy, we're going to insure that the Sears Island Plant will be built, which will cost \$640,000,000—that's CMP's share, and if we figure the 9½% currently allowed by the PUC as a return on the investment, that means that just the CMP customers will have to pay \$60,000,000 every year just to pay the profit on that plant.

I think this bill before us, as I said, is a commitment to Energy Conservation. It presents some reasonable steps that we can take. It affects construction both non-residential and residential, however it has a standard that applies in different ways. There are incentives built into the bill so that individuals will seek to construct energy efficient buildings. One fact that should be brought to light is that if we fail to enact this passage today, we're potentially putting ourselves under the federal government's control because they will have standards which we will have to meet.

Also approximately \$370,000 in Federal Energy Conservation Funds will be terminated. So I would ask you to look again at the bill and perhaps give it a favorable passage today.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: I think this bill is largely misunderstood. It has been suggested that rather than kill it outright, perhaps it should be recommitted to committee, and I am certain that it is too late for that, or that it be committed to study for a future session of this legislature and I would submit that this in fact, is by the cautious procedure adopted concerning adoption of regulations is in fact a study. Any regulations promulgated by the, or attempted to be promulgated by the office of energy resources would require approval of an advisory board, which is not advisory, it does require this board's approval.

Further, on page 13 of the amendment, Sec. 4 it requires all standards, rules and regulations promulgated under Title 10, Chapter 214, shall be presented to the Joint Standing Committee on Energy and Natural Resources, and Title 10, Section 1415 and 1420 shall remain suspended until the committee has completed review of these standards, rules and regulations.

This is, in fact, Legislative Approval, after approval of the Advisory Committee. The Legislature, according to the Attorney General's opinion does not have the ability to approve regulations, I believe, due to the separation of powers between the various branches of government. However, it does constitute approval by the Legislature if the Committee and the Legislature do not approve the regulations, presumably they will submit Legislation deleting these Regulatory Powers, so the Attorney General says they can, in fact, have approval power explicit in Legislation, the approval power is there through this review. So I would in fact, contend that this is in fact a study, any standards proposed, would in fact be presented to a future session of this legislature for what amounts to approval. I hope this bill will not be Indefinitely Postponed, although I realize that's probably a vain hope.

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

Senator KATZ: Mr. President. Speaking as the Senator from Kennebec, excuse me, as the Good Senator from Kennebec, I have an enormous amount of respect for the sponsor of this Legislation has accomplished almost singlehandedly.

If the State of Maine has an energy policy today it's because of the interest and tenacity largely of a single legislator.

I suspect this bill isn't going to get very, very far this session if the preceding Division is an indication. I have been voting to keep it alive, hoping it can be amended to meet some of the deep concerns of some people whose opinions I greatly respect outside of the Legislature. I'm going to vote to keep it alive now.

I think eventually the law of supply and demand is not going to be enough to change our lifestyles; to change our social attitudes. Regrettably I have a feeling it probably is going to take some kind of government regulation. I say regrettably because it would be great if people would do this voluntarily. I am not sure that people in the Unitesst Friday as an unanimous committee report. However it was with great reluctance I had the Committee Clerk tear up the jacket with my signature Ought Not to Pass.

Mr. President, we have a new delayxent being established here in the State of Maine and under this bill we're going to enlarge this to one of those larger bureaucracies, established boards. I was interested the other night in a program entitled "60 Minutes", that told

about the housing that's going to be here by the year 2000, and it went on to describe the new building methods and the way homes will be constructed.

Mr. President, I think the building trades themselves know exactly what they are going to be doing and its going to be doing everything that will be required in this bill. We don't need an established bureaucracy or anyone else to tell us what we ought to do.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is on the Motion by the Senator from Oxford, Senator O'Leary, that L. D. 666 be Indefinitely Postponed.

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 — Carpenter, Chapman, Collins, Cote, Devoe, Emerson, Hichens, Lovell, Minkowsky, G'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Usher

NAY — Clark, Conley, Gill, Huber, Katz, McBairty, Trafton, Trotzky

ABSENT — Ault, Danton, Farley, Martin, Najarian

A Roll Call was had.

19 Senators having voted in the affirmative, and 8 Senators in the negative, with 5 Senators being absent, the motion to Indefinitely Postpone does prevail.

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

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

The PRESIDENT: The Senator from Oxford, Senator O'Leary moves the Senate reconsider its action whereby it Indefinitely Postponed L. D. 666.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

Sent down for concurrence.

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

Bill, "An Act to Amend the Tree Growth Tax Law." (H. P. 1115) (L. D. 1244)

Tabled—June 4, 1979 by Senator Teague of Somers.

Pending—Adoption of Senate Amendment "A" (S-301) to Committee Amendment "B" (H-518)

Senate Amendment "A" Adopted. Committee Amendment "B", as amended, adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

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

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

Tabled—June 4, 1979 by Senator Redmond of Somers.

Pending—Adoption of Senate Amendment "A" (S-306)

Senate Amendment "A" Adopted.

House Amendment "A" (H-558) read.

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

Senator PIERCE: Mr. President, I would ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I'd like to pose a question through the Chair to the Senator from Kennebec, if he could enlighten us as to what House

Amendment "A" does?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: From my recent conversations with Mr. Peppard in the office and with the Attorney General's Office in all their estimations House Amendment "A" does absolutely nothing. Whether we adopt it or not the law will remain exactly the same. I thought we might save a little paper work and a little engrossing by Indefinitely Postponing it.

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

Senator PRAY: I'd like to pose another question to the Chair to the Senator from Kennebec. Could he tell us what the nothing is?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: I'm glad at long last that the Senator from Penobscot has recognized my great expertise in the field of Fisheries and Wildlife, and that he posed the question to me.

It's my understanding from the amendment that is not right before me that there is some question between the Marine Resources people and the Inland Fisheries people on who is going to have jurisdiction on certain jiggling.

The Marine Resources people feel that their warden should handle it and the Fisheries and Game people feel their warden should handle it. In truth as present law indicated, they both can handle it if the amendment goes, they still can both handle it. So it really doesn't matter. Some of the coastal people are anxious for the amendment to be adopted. I have no great feelings on it one way or the other, under the circumstances. So I would move for the Indefinite Postponement of House Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Indefinitely Postpone House Amendment "A" to L. D. 1637.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I would oppose the Indefinite Postponement of House Amendment "A". House Amendment "A" only tries to bring in line the revisions in the Fish and Game Law. We've tried to take out some of the references to tidal waters in the Fish and Game Act.

In 1977, the Marine Resources Committee had a revision of their Marine Resources Law. They removed the inland waters in their revision on the tidal waters of the State. In the revision they made 7 substantive changes in the law. This was the only one that the committee felt they shouldn't make. I think it was the consensus of the Marine Resources Committee that it might be a good idea to make their laws consistent with what their authority is, and the Marine Resources Law consistent with what the Marine Resources Law is. So I would oppose the Indefinite Postponement.

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

Senator CHAPMAN: Mr. President, I too would urge the Senate to vote against Indefinite Postponement of House Amendment "A".

The bill before us is an Act to Revise the Inland Fisheries and Wildlife Laws. House Amendment "A" removes 6 words from page 70 of L. D. 1637. Those words are "and any salmon in tidal rivers." It removes the jurisdiction of the Inland Fisheries and Game from jurisdiction over salmon in tidal rivers.

The Marine Resources Law addresses among other things the Atlantic Sea Run Salmon Commission. The Atlantic Sea Run Salmon Commission is composed of 3 members. The

Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources, and a third member appointed by the Governor. The Commission is charged with purchasing or leasing within the State, lands, dams and other structures to acquire flowage rights, privileges, rights of way to build dams and other structures for the purpose of conservation of Atlantic Salmon.

The Commission may adopt or amend regulations to conserve the Atlantic Salmon in the same manner and with the same limits as provided with the conservation or marine organisms under section 6171. It further states that the advice and consent of the Advisory Council is not required. The Commission has the sole responsibility.

It says specifically "only the commission may adopt and amend regulations to conserve Atlantic Salmon". Further under the regulatory powers of the Commissioner of Marine Resources it says that this section grants no authority to the Commissioner to adopt regulations for conservation of Atlantic Salmon.

It just seems that both the Marine Resources and Inland Fisheries Department should delegate this authority to one body, the Atlantic Sea Run Salmon Commission to handle it for all persons concerned. I have been assured that both the Marine Resources Wardens and the Inland Fisheries Wardens are both called upon to enforce the Atlantic Salmon Commission Regulations, concerning salmon.

Quite frankly I don't think it makes much difference whether the fish are commercially netted or sport-jigged, dead salmon don't reproduce and everybody loses, so I would urge that the Senate not postpone House Amendment "A".

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

Senator REDMOND: I would like to mention that I discussed that this noon with one of the Members of the Department of Inland Fisheries and Wildlife. Inland Fisheries and Wildlife in L. D. 1637 is an absolute revision bill of the language to fit the new criminal code, and to spell out more clearly the definitions of the law. The sub-committee's been working on that ever since the beginning of this session. They had no instructions whatsoever to make any changes.

The Inland Fisheries and Wildlife does not intend to step onto the Marine Resources Territories. All they're interested in is the Inland. This bill is almost 100 pages thick. There was no reason whatsoever. I don't think that language is doing that much. I think if Marine Resources has problems, they can iron them out with the Commission, bring a bill in, next winter they can bring a bill in.

I don't know why we need this amendment. There's no reason in the world why we need this amendment at this late hour, without any public hearing or anything, I would hope that the Senate votes to kill this amendment.

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

Senator SHUTE: On page 70 of L. D. 1367, the amendment only removes the words that the good Senator from Somerset, Senator Redmond said that he was trying to take out of the law. He said he was trying in the revision not to get into the area of the Marine Resources.

Now any time you have in an Inland bill, tidal waters of the State, I think you're getting down into the Marine Resources Committee and Jurisdiction. You're not in the Inland Jurisdiction at that time. So if it was the committee's intention to not get into the Jurisdiction of the Marine Resources in the tidal waters, I think the amendment should be adopted. That would make the whole revision consistent with the Inland Fish and Game Laws.

You made 7 revisions in here, concerning tidal waters. Why not make this last revision, and have your whole revision consistent?

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

Senator CONLEY: Did I understand this amendment did absolutely nothing?

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

A Division has been requested.

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

14 Senators having voted in the affirmative, and 8 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I offer Senate Amendment "B" and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "B" to L. D. 1637 and moves its adoption.

Senate Amendment "B" (S-311) Read.

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

Senator PIERCE: Mr. President, I wonder if any member of the Senate might like to explain exactly what this amendment does?

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

Senator PRAY: Mr. President and Members of the Senate: Presently under this bill that we have before us, in the redraft 100 and some thirty pages, which I spent a good part of last evening and part of this morning reading to try to get through. I noticed with concerns that I have with Fisheries and Wildlife and some other legislation that's pending, the License Fee Increase, and the Statement of Fact on the License Increase Bill stated they need roughly around \$20,000.

The Department has informed members that if the license increase does not go through that they're going to have to cut wardens and basically that's usually where they start. It's kind of like the school budget, you know if we cut the school budget, there goes the basketball team, and the football team and those thing which usually stir the most emotion.

I, for one, at this time, have asked the Department for some facts and figures which I was told I'd receive a few days ago, have not yet come, but I'd like this amendment. What it would do is provide an additional alternative to the department to consider.

Presently the law states that the Commissioner shall designate or shall name a Deputy Commissioner. This amendment changes the Shall to May. Perhaps in the future if they have to and they did not receive the license fee increase, they have to do some cutting somewhere, perhaps other than wardens, they'd do some in the Head Office.

Presently the Commissioner has a Division Head of Biology, a Division Head of the Chief Biologist, and a Chief Warden and Chiefs of the other divisions within the department. I would think that an alternative that the Commissioner might want to consider in the future at sometime perhaps instead of having a Deputy Commissioner, that he would just use his chiefs, basically to carry out the same duties. This would be left up to whoever would be the Commissioner.

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

Senator REDMOND: Ladies and Gentlemen of the Senate. I'm sure that the good Senator from Penobscot, Senator Pray, had a good thought, no question about it. However, to come at this late hour and change the entire policy of administration of the Department of Fisheries and Wildlife, without any public hearing, without any suggestion, I'm sure it's a very good thought, I can't see that we start fooling around with the organization of the Department of Fisheries and Wildlife, suddenly like that.

I don't think it would be germane to pass a bill like that. I hope that we will vote to kill this

amendment. I move Indefinite Postponement.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: As I mentioned just a moment ago, the bill itself is a redraft and 130 pages long, I am sure that though it is at a late hour in the Legislative Session with 5 days to go, that this is not necessarily a major change.

We have given the Commissioner of the Department the authority to run that department in many instances far more than we have given to other Commissioners. I don't know how many individuals in this Chamber or in the Legislature are willing to vote for a license increase in about another week or so, when that bill comes out of committee and is before us. But we better start thinking now of some of the other alternatives, as to what can be done.

It is my understanding that in the last week or so that there have been a number of in-house promotions which are costing the department probably in the vicinity of 4 to \$5,000 per man. This position here is a \$24,000 position presently. If we're going to talk about chopping some man off out in the field that's probably earning somewhere around 10, 12, \$13,000 a year, because of the financial stress of the department, then we probably ought to start considering some other positions as well.

This here does not say that position is eliminated. It gives the Commissioner the chance to assess the in-house administration. The present statute says that he shall have a Deputy Commissioner, this here would only say that he may, he can make those assessments in light of the financial conditions.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement of Senate Amendment "B", please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 11 Senators in the negative, the motion to Indefinitely Postpone Senate amendment "B" does prevail.

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

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

Senator O'LEARY: I'm sorry I wasn't on my feet sooner. Is it possible to reconsider so that I may ask a question.

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

On motion by Senator O'Leary of Oxford, the Senate voted to reconsider its action whereby Bill, "An Act to Revise the Inland Fisheries and Wildlife Laws." (S. P. 573) (L. D. 1637), was Passed to be Engrossed.

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

Senator O'LEARY: Mr. President, I have a problem that exists on page 37 of this document. It has to do with a Camp Trip Leader's Permits. Earlier in this session, we passed a bill that spelled out how these trip leaders had to be qualified. I'm just wondering at this point, does this bill supercede the bill that we passed before, or what happens, I would ask that question?

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has posed a question through the Chair to any knowledgeable Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: The way I understand it from our Legislative Assistant is we still have our errors bill in committee, which we will send out this week. It will clarify all these laws, make them all take effect in January, 1980.

The Bill, as amended, Passed to be En-

grossed, in non-concurrence.
Sent down for concurrence.

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

Papers from the House House Paper

Bill, "An Act to Regulate Cone Burner Incineration for the Disposal of Municipal Solid Waste." (H. P. 1480) (L. D. 1672)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was referred to the Committee on Energy and Natural Resources, and Ordered Printed, in concurrence.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Thomas Melendy, a Rockland High School senior was selected as a Presidential Scholar from among more than 3,000,000 graduating seniors throughout the country. . . (H. P. 1488)

Herman and Helena Anderson of New Sweden, who were married on September 11, 1909, will observe their 70th wedding anniversary on July 29, 1979. . . (H. P. 1487)

Friday, June 29, 1979, marks the 50th wedding anniversary of Lloyd W. and Annie Marcho, of Carmel. . . (H. P. 1486)

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

Communications

HOUSE OF REPRESENTATIVES

June 5, 1979

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

The House voted today to Adhere to its action whereby it accepted the Minority "Ought Not to Pass" Report of the Committee on Judiciary on Bill "An Act to Prohibit Drinking in Public Under the Criminal Code" (H. P. 562) (L. D. 709)

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

COMMITTEE ON STATE GOVERNMENT

June 5, 1979

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

The Joint Standing Committee on State Government is pleased to report that it has completed all business placed before it by the First Regular Session of the 109th Legislature

Bills received in Committee	104
Unanimous Reports	81
Ought to Pass	14
Ought to Pass as Amended	15
Ought to Pass in New Draft	11
Ought Not to Pass	7
Leave to Withdraw	34
Divided Reports	23
Bills held in Committee	0

Respectfully yours,
Senator DAVID R. AULT
Chairman

Which was Read and Ordered Placed on File.

Orders

Expressions of Legislative Sentiment recognizing that:

Martha Eames, of Westbrook, has been selected Valedictorian of the 1979 graduating class of Westbrook High School. . . (S. P. 601) is presented by Senator Usher of Cumberland, cosponsored by Representative Laffin of West-

brook and Representative Carrier of Westbrook.

Crystal Cressey, of Westbrook, has been selected Salutatorian of the 1979 graduating class of Westbrook High School. . . (S. P. 602) is presented by Senator Usher of Cumberland, cosponsored by Representative Laffin of Westbrook and Representative Carrier of Westbrook.

The City of Westbrook has been selected to receive the National Arbor Day Foundation's Tree City U.S.A. Award for 1979. . . (S. P. 603) is presented by Senator Usher of Cumberland, cosponsored by Representative Carrier of Westbrook and Representative Laffin of Westbrook.

Which were Read and Passed.
Sent down for concurrence.

Committee Reports House

Leave to Withdraw

The Committee on Education on, Bill, "An Act Concerning Expulsion of Disruptive Pupils from School." (H. P. 369) (L. D. 477)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass

The Committee on Local and County Government, on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1979. (Emergency) (H. P. 1481) (L. D. 1668)

Reports pursuant to Joint Order (H. P. 135) that the same Ought to Pass.

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

Which Report was Read and Accepted, in concurrence, and the Resolve Read Once, and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act to Provide an Alternative to Compulsory School Attendance." (H. P. 788) (L. D. 988)

Reports that the same Ought to Pass in New Draft Under New Title, Bill, "An Act to Amend the Laws Relating to School Attendance." (H. P. 1479) (L. D. 1666)

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, and Tomorrow Assigned for Second Reading.

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

Communication

HOUSE OF REPRESENTATIVES

June 5, 1979

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

The House today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime" (S. P. 2) (L. D. 2)

The House also voted to Insist and Join in a Committee of Conference on Bill "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H. P. 982) (L. D. 1162)

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Enactors

The Committee on Engrossed Bills reports

as truly and strictly engrossed the following:

An Act to Regulate the Sale of Business Opportunities. (S. P. 465) (L. D. 1499)

An Act Authorizing a Study to Determine the Feasibility of Establishing a System of Youth Hostels. (H. P. 1000) (L. D. 1235)

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

An Act to Amend the Standard Valuation Law. (H. P. 728) (L. D. 915)

An Act Concerning Remedies under the Unfair Trade Practices Statutes. (H. P. 121) (L. D. 138)

An Act to Amend the Law Relating to the Maine Milk Tax Committee. (H. P. 206) (L. D. 254)

An Act Concerning Notice of Right to Cure Defaults under the Consumer Credit Code. (H. P. 333) (L. D. 432)

An Act to Make Certain Changes in the Manufactured Housing Act. (H. P. 787) (L. D. 987)

An Act to Permit Municipal Water Departments and Quasi-municipal Water Districts to Provide a Contingency Reserve. (H. P. 1132) (L. D. 1400)

An Act Relating to the Marketing of Potatoes. (H. P. 1315) (L. D. 1569)

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 the Profession of Public Accountancy. (H. P. 234) (L. D. 280)

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

An Act Concerning Maine's Maternal and Child Health Care Program. (H. P. 1128) (L. D. 1505)

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

Emergency

An Act Concerning Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park. (H. P. 134) (L. D. 145)

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

Emergency

An Act to Permit Store Owners to Limit the Number of Containers they will Accept from a Single Person or Group at One Time. (H. P. 66) (L. D. 74)

Emergency

An Act to Incorporate Standards in the Motor Vehicle Inspection Law and to Provide for Legislative Review of Rules Promulgated to Implement the Inspection Program. (H. P. 1423) (L. D. 1628)

Emergency

An Act Relating to Determination of Refund Values on Beverage Containers. (H. P. 623) (L. D. 765)

These being emergency measures and having received the affirmative votes of 22 members of the Senate, 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 Somerset County for the Year 1979. (H. P. 1447) (L. D. 1645)

This being an emergency measure and having received the affirmative votes of 22 members of the Senate, 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:

Committee Reports House

Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act to Remove the Town of Medford from the Maine Forestry District." (H. P. 17) (L. D. 34)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-635).

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

The Committee on Taxation on, Bill, "An Act to Remove Wallgrass Plantation from the Maine Forestry District." (Emergency) (H. P. 1261) (L. D. 1512)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-633).

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

The Committee on Taxation on, Bill, "An Act to Provide Reimbursement of Sales Tax on Depreciable Machinery and Equipment Used in Aquaculture." (H. P. 1002) (L. D. 1236)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-630).

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. The Bills, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Agriculture on, Bill, "An Act to Repeal the Control of Milk Prices at the Wholesale and Retail Levels." (H. P. 1346) (L. D. 1587)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York
CARPENTER of Aroostook

Representatives:

TOZIER of Unity
TORREY of Poland
SHERBURNE of Dexter
NELSON of New Sweden
ROOPE of Presque Isle
LOCKE of Sebec
MICHAEL of Auburn
ROLLINS of Dixfield

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-625).

Signed:

Senator:

MARTIN of Aroostook

Representatives:

MAHANY of Easton
WOOD of Sanford

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

Which Reports were Read.

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

Senator HICHENS: Mr. President and Members of the Senate: Today we have before us an old chestnut, which has been before the Legislature for the 6th and 7th sessions I have been a Legislator, and maybe even before my term of service. Probably the only change in this proposal is the title, and the referendum clause in the amendment. No matter how you slice it, it's the same old loaf, do away with the Maine Milk Commission.

In this bill we are led to believe that the farmers will be protected. Anyone with any sense at all realizes that you can't decontrol pricing without decontrolling the amount to be paid to the producer. It just isn't possible. Naturally everyone wants to pay the lowest price possible for a product. But eliminating price fixing by the Maine Milk Commission is just hood-winking the public.

Admittedly prices may drop immediately after price fixing is removed. But one only has to look around to realize that true competition will soon send these prices escalating. In a year's time the consumer will be paying much more for milk than he is today.

We've been told by the press that milk costs more in Maine than it does elsewhere, this is not true. Maine milk prices are much lower than in most states. The pressure comes from the southern area of New Hampshire, which for some reason escapes Federal Milk Pricing. In other northern New Hampshire and other northern states a quart of Grade A milk is higher than here in Maine. Florida, one of the most recent states to eliminate price controls, a quart of milk now cost 63¢ a quart, as compared to prices we pay here in our State of Maine.

We've been told that the processors are making huge profits at the expense of the consumer and the farmer. Yet the largest processor of pints supplied to schools and other areas testified at the hearing that he did \$3,250,000 worth of business in 1977 and had a net profit of less than \$5,000. In 1976, he had a net loss in the thousands of dollars.

In the petition drive this past year not enough people were interested enough in doing away with the Maine Milk Commission for the sponsors to obtain enough names to force a referendum vote.

Now they're asking the Legislature to do what they failed to do. We have the issue before us today, to settle decisively. Let's not evade our responsibility and send this bill out to the people who do not understand the ramifications of the passage of this bill, and would be subjected to biased press reports.

I urge you to accept the Majority Ought Not to Pass Report.

On the motion by Senator Hichens of York, the majority Ought Not To Pass Report of the Committee, Accepted.

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 Creating the Cornish Water District." (H. P. 1457) (L. D. 1650)

In the Senate June 1, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-643), in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act Concerning Abuse Between Family or Household Members." (H.P. 910) (L. D. 1133)

In the Senate June 1, Passed to be Engrossed as amended by Committee Amendment "A" (H-571), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-641), in non-concurrence.

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

Senator COLLINS: I move the Senate Recede and Concur with the House.

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

Is this the pleasure of the Senate? The Motion Prevailed.

Committee Report Senate

Ought to Pass — As Amended

Senator Devoe for the Committee on Judiciary on, Bill, "An Act to Establish the Maine Probate Code." (S. P. 1) (L. D. 1) Reports that the same Ought to Pass as amended by Committee Amendment "A" (S-312).

Which Report was Read.

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

Senator COLLINS: Mr. President, this is L. D. 1 presented by the Senator from Oxford, Senator O'Leary and myself as magnum opus of the Judiciary Committee for this year. The work that has been done in presenting this to the legislature goes back to the 106th Legislature when a Commission was set up to make a major study of Probate Law and Probate Court Structure. The original Commission was headed by former Judge John Carey of Bath. He died while in that office and was succeeded by former member of this Chamber, former Judge in York County, John Roberts of Sanford who has continued and still is Chairman of the Commission.

The original, professional advisor to the Commission was then Dean of the Maine Law School, Edward Godfrey and when he was appointed to the Supreme Judicial Court he was succeeded by Prof. Merrill Loper, who has brought the matter to conclusion.

This bill was presented last fall and the 108th Legislature Judiciary Committee held a couple meetings on it and set up a schedule of the meetings across the state, which were held in Lewiston, Portland and in Orono for public commentary and discussion.

Then the bill was presented in the Legislature and we went through six days of public hearings and we have had a total, I think of 12 work sessions developing our positions. The Committee's Amendment to the Code are contained in S-312 is now on your desk. I appreciate, of course, that this is a type of work you will not digest in a few minutes. You may want to peruse it at some length. I am hopeful that today we can give it its First Reading, Adopt the Amendment and then the matter will be in order for further amendment should the Legislature see fit.

This massive treatment of Probate Law is another important Chapter in Legislative development of our basic rules. It hopefully will somewhat simplify some of the most customary processes of Probate Procedure. We think that in general it will be possible for lawyers to charge somewhat less, because they will have to make fewer trips to Court to get the business attended to.

We have responded to the requests of a number of Maine attorneys in modifying the suggested Code so as to provide greater notice than was acquired in the original draft and to require independent appraisers on the filing of an inventory, those matters being similar to what we do today.

We also have put in a provision for affirmative bonding in cases where there is no will or there is an administrator under a will with no covering provision. These are all developments on the conservative side of the picture, but overall this Code introduces the number of reforms, I will not try to catalogue all of them, but just to say in general it provided in our basic Law of Inheritance a stronger position for the surviving spouse.

At the present time, as you know, if there is a family where one spouse dies and there are children and there is no will, the spouse who survives would get two thirds. We changed that provision somewhat in favor of the spouse because that seems to be the trend of the times and what people are expecting. We think that's a good thing to get into our basic rules of intestacy.

tate devolution of title.

We've put in some careful provisions about guardianships. We've carefully considered the views of the Veterans Administration, the Department of Human Services and I think that we have treated all of the serious requests that were brought to us in a very careful way. We hope that you may be with us.

I would like to point out that if there are changes that you think should be made in the Code, if people back home say the things ought to be changed, there will be other opportunities to do this. This Code will not come into force as a operating document in the law until 1981. So there will be a year and a half to prepare new forms and manuals, to study, to suggest changes and next winter I contemplate that there will be a Bill that can pick up changes and corrections that are deemed to be of sufficient importance.

So there is a chance to get a longer look at this, just as we did with the Criminal Code, and as we did with the Juvenile Code. We know that no document will be perfect, in the first round, but we think that there's a significant contribution to efficiency and simplicity in our Probate Laws and Procedures. We hope that you will accept it and study it, and work with the committee on it as you feel it needs to be worked on. Thank you, Mr. President.

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

Senator COTE: Mr. President and Members of the Senate: As a Member of that Committee, I'd just like to say this. I think we've worked very hard for quite a number of years to try to get this Code through.

At one of the meetings which I missed, and I would like to ask that question of the good Senator from Knox, Senator Collins, the Committee passed that in the future a Judge of Probate, and the Register of Probate would be appointed? This is one of the things that I objected to, as a member of that committee. I would like to ask the Senator from Knox, Senator Collins, whether this was taken out of the bill, or is this still part of the bill?

The PRESIDENT: The Senator from Androscoggin, Senator Cote, has posed a question through the Chair.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: The President, in response to the question from the Senator from Androscoggin, Senator Cote, I would advise that the section he speaks of was taken out of the bill.

It was decided that the question of court structure would not be addressed in this bill. The commission is requesting a modest appropriation to continue its study in that area, and report hopefully to the Second Regular Session of the 109th Legislature.

The area that still remains to be studied and receive recommendations is that of "shall the judges be appointed or elected; shall they be full-time or part-time; shall they ride circuit or stay in one place; shall they have duties that move over into some other area of the law, such as family law or remain strictly in traditional probate law?"

There are a number of important questions there that we feel need the continuing study of that commission. I believe that Senator Cote is still a member of that commission and will have the opportunity to influence whatever decisions are made in that area, but those are things that lie ahead of us, and we have not tried to include them in this bill.

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

Senator COTE: I'd like to thank the Senator from Knox County, Senator Collins, for his explanation. I think the committee made a Judicial Decision.

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

Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

Orders of the Day

The Chair laid before the Senate:

JOINT ORDER — relative to the Appropriations and Financial Affairs Committee reporting out a bill for funding of a training program for Pratt and Whitney employees. (H. P. 1485)

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

Pending—Passage.

This Order, Passed to be Engrossed, in concurrence.

The Chair laid before the Senate:

HOUSE REPORT — from the Committee on Labor — Bill, "An Act Relating to the Identification and the Hazards of Chemicals in the Workplace." (H. P. 750) (L. D. 958) Ought to Pass as Amended by Committee Amendment "A" (H-598)

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

Pending—Acceptance of Report.

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

Senator SUTTON: Mr. President, a Parliamentary Inquiry, do I need to move the document before I make a motion for an amendment?

The PRESIDENT: The Chair would answer that the Committee Report should be Accepted. At that time the bill would be in a posture to be amended, if the amendment is to the bill.

Senator SUTTON: It's to the Committee Amendment.

I move the Acceptance of the Committee Report.

On motion by Senator Sutton of Oxford, the Ought to Pass, as amended, Report of the Committee, Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" Read.

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

Senator SUTTON: Mr. President, I submit Senate Amendment "A" to Committee Amendment "A" and move it's Passage.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now offers Senate Amendment "A" to Committee Amendment "A" and moves it's Adoption.

Senate Amendment "A" (S-309) Read.

The PRESIDENT: The Senator has the floor.

Senator SUTTON: Just briefly, Mr. President, Ladies and Gentlemen of the Senate. The reason for this amendment is we are identifying and publicizing identification of hazards of chemical in the work place. In the bill, there is a portion where it says, 'either the common name or chemical name shall be put on the container'. We're changing the 'and' to 'or' so that you either put one or the other on.

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

Senator PRAY: Mr. President and Members of the Senate: My concern about this amendment is that many individuals who work around hazardous chemicals, for example, in my own relationship, when I used to work for the Great Northern Paper Company, many, many years ago, 14, 15 year ago, I did not always know the chemical terms, or what that meant.

Usually there were more common terms, usually less than 30 letters, like so many chemical combinations as we see them listed. I think it would be more beneficial to require that to the professional, the name in relationship to the chemical as professionally called, and perhaps more to the common person's knowledge to the other name. So I would hope that we would not accept this amendment.

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

Senator LOVELL: Mr. President and Members of the Senate: When you see the generic

name, technical name, or common name on anything in a factory or a mill, you're going to be very careful of how you handle it. You're going to ask somebody how bad or how strong it is and how much harm it's going to do you.

So I don't think that you need to put all these things on the bill. I think that Senator Sutton's amendment is sufficient. I don't think that we need to take a barrel of something and have 4 or 5 names on the top of it with 15 to 30 letters. I think the people working there, Senator Pray, the good Senator, whatever mill he worked in, I bet he knew what was in those barrels. If he didn't I bet he found out.

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

Senator SUTTON: Mr. President, and Ladies and Gentlemen of the Senate, just one further explanation. I appreciate the concerns of the good Senator from Penobscot, Senator Pray. This bill has been gone over very carefully, it's about 8 pages. One of the aspects of it is to employee education and training that goes along with it.

Once this whole package is put together, I don't think there's going to be any problem as to whether the common name or the chemical name is there.

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

Senator PRAY: Thank you, Mr. President. Mr. President, and Members of the Senate, in the Millinocket Mill of the Great Northern Paper Company roughly 3,100 individuals are employed. A number of those individuals, their duties and responsibilities take them throughout that mill. They are not the individuals that I would express.

The chemicals when I used to work around them, I did realize rather quickly as to what they did. Sometimes clothes didn't last as long because you got too close to certain chemicals. Every week or so you'd have to run out and buy a new set of work clothes.

But I think that there are a number of people and a number of plants and factories that use dangerous and hazardous chemicals that are not always in that job specification. But yet their employment brings them into contact with that work area. These are the individuals that I would hope that we would, by identifying hazardous chemicals be protecting. I'm sure that those people that work around and with the chemicals would know, but the other ones would not.

Senate Amendment "A" Adopted.

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

The Bill, as amended, Tomorrow Assigned for Second Reading.

The Chair laid before the Senate:

HOUSE REPORTS — from the Committee on State Government — Bill, "An Act to Create an Office of Housing Affairs." (H. P. 962) (L. D. 1240) Majority Report — Ought to Pass in New Draft in New Title, "An Act to Provide an Executive Department Focus for Housing Affairs." (H. P. 1469) (L. D. 1657); Minority Report — Ought Not to Pass

Tabled—Earlier in the Day by Senator Conley of Cumberland.

Pending—Motion of Senator Conley of Cumberland to Reconsider.

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

The Chair laid before the Senate:

Bill, "An Act to Amend the Law Relating to the State Board of Social Worker Registration." (H. P. 1018) (L. D. 1251), tabled earlier in the day, by the Senator from Kennebec, Senator Pierce, pending Acceptance of Either Committee Report.

On Motion by Senator Katz of Kennebec, retabled for 1 Legislative Day.

The Chair laid before the Senate:

Bill "An Act to Ensure the Prompt Decision of Cases Before the Worker's Compensation Commission." (H. P. 1380) (L. D. 1605), tabled earlier in today's session by the Senator from Kennebec, Senator Katz, pending Enactment.

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

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

Orders

On motion by Mr. Perkins of Hancock.

ORDERED: Whereas, several bills amending the Maine Revised Statutes, Title 34, Part 2, dealing with the correctional system, were introduced in the first regular session of the 109th Legislature, including:

L. D. 435 "An Act to Create Incentives to Improve County Jails and the Correctional Systems;"

L. D. 1172 "An Act to Provide Funds to County Jails to Enable them to Meet Mandated Standards;" and

L. D. 1241 "An Act to Authorize a Bond Issue in the Amount of \$6,500,000 for Acquisition or Construction of Regional Jail Facilities;" and

WHEREAS, the State of Maine faces serious problems in all its correctional areas; and

WHEREAS, the Legislature must respond to these needs; now, therefore, be it

ORDERED, the House concurring, that the Joint Select Committee on Correctional Institutions prepare, for submission to the next regular session, legislation to resolve the crisis in our state, county and municipal correctional systems.

(S. P. 605)

On Motion by Senator Katz of Kennebec, Tabled, pending Passage.

Order

An Expression of Legislative Sentiment recognizing that:

R. Francis Serafin of Brewer, Manufacturing Superintendent for St. Regis Paper Company in Bucksport, has been named Superintendent of the Year by the Paper Industry Management Association. . . (S. P. 604) is presented by Senator Shute of Waldo, cosponsored by Senator Emerson of Penobscot and Representative Churchill of Orland.

Which was Read and Passed.

Sent down for concurrence

Senate at Ease

Senate called to order by the President.

The Chair laid before the Senate:

An Act to Regulate Commercial Whitewater Outfitters. (S. P. 348) (L. D. 1094), tabled earlier in today's session, by the Senator from Kennebec, Senator Katz, pending Passage to be Engrossed.

On Motion by Senator Usher of Cumberland, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A".

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

Senator USHER: Mr. President, I offer Senate Amendment "E" to Committee Amendment "A" under filing Number S-317.

The PRESIDENT: The Senator from Cumberland, Senator Usher now offers Senate Amendment "E" to Committee Amendment "A", and moves its Adoption.

Senate Amendment "E" (S-317) Read.

The PRESIDENT: The Senator has the floor.

Senator USHER: Mr. President and Members of the Senate: What this does is just clarify Senator Trotzky's amendment.

We made a mistake. He didn't lower the renewal fee from \$500 to \$250. Now they all concur.

Senate Amendment "E" Adopted.

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

Senator O'LEARY: Mr. President, I move we reconsider adoption of Senate Amendment "C".

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves the Senate reconsider its action whereby it adopted Senate Amendment "C" to Committee Amendment "A".

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I notice that what the good Senator is going to prepare is very similar to the lengthy discussion we had on an amendment presented by Senator Redmond. Only it approaches things from a somewhat different direction.

Since I would suspect there's going to be lengthy discussion on this amendment, it might be appropriate at this point for someone to table this for one day. We could take this matter up tomorrow.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending the Motion by Senator O'Leary of Oxford.

On Motion by Senator Pierce of Kennebec, adjourned until 8:30 o'clock tomorrow morning.