

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

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

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

June 7, 1979

Senate called to Order by the President.

Prayer by the Honorable Carroll Minkowsky of Lewiston.

Senator MINKOWSKY: As we gather on this 97th Legislative Day, let us ever be mindful of our commitment to our oath of office, to serve the best interests of our constituents with direction and guidance from God. Amen.

Reading of the Journal of yesterday.

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

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

Recess

After Recess

The Senate called to order by the President.

(Off Record Remarks)

Senator Collins of Knox, was granted unanimous consent to address the Senate, On the Record.

Senator COLLINS: Mr. President and Members of the Senate: May I ask for attention for a moment to the Errors Bill which is on the Table.

We have a logistical problem in the printing of this bill. It's a voluminous bill. As you will recall we set out some rules for ourselves about no floor amendments, unless they were printed 24 hours in advance of offering. That rule also binds the Committee Amendments, which has been placed with the printing process this morning. Perhaps it will be ready by 2 or 3 o'clock this afternoon. But if we Adhere to that Rule, we will not be able to offer it until tomorrow at about the same time.

Now I'm hoping that you may consider whether or not to Suspend that Rule for the purpose of the Committee Amendment. If you do not we probably can still live with the process. But what I'm more concerned about is the floor amendments. I'm told by research that there are 8 to 12 Senate Floor Amendments. I'm only personally aware of 1, but I'm hoping that you will make a special effort to get your amendment into process, so that it will meet the 24 hour test. Of course, the Senate Members of the Judiciary Committee, Senator Trafton, Senator Devoe, and myself will appreciate any information you can give us about this so that we will know how to act.

If you do not feel you should give us this information, we understand. But we do ask your cooperation just as much as you can toward getting this bill through both bodies, because if it is not in the position for Engrossment when we leave here tomorrow night, there's a real danger that it might not survive the end of the session. Or cause all kinds of mechanical difficulties. So we will appreciate your cooperation on this.

I understand that as your Floor Amendments are being produced, that they will be brought to your attention. I hope you'll make it a point to promptly step out and sign them and get them into production. Thank you very much.

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

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

In the Senate May 31, Passed to be Engrossed as amended by Committee Amendment "A" (H-428) as amended by Senate Amendment

"B" thereto (S-254), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto and House Amendment "A" (H-670), in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity. Senator MCBREAIRTY: Mr. President, I move that we Insist.

The PRESIDENT: The Senator from Aroostook, Senator McBreaity, moves that the Senate Insist.

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

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

In the House June 4, Passed to be Engrossed.

In the Senate June 5, Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator TEAGUE: Mr. President, I move we Recede and Concur.

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

The Chair recognizes the Senator from York, Senator Farley.

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

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would hope that the Senate would not Recede and Concur with the House. Again what this bill proposed to do is to establish a dedicated revenue fund probably in the next session of the Legislature. I believe that if we're going to appropriate money, then we should look at exactly what the Department needs in a source of revenues, and to establish our priorities in that manner.

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

Senator HUBER: Mr. President and Members of the Senate: I also would oppose the Recede and Concur Motion. I think if anything this area, this program or programs as is in fact the case, need more attention not less attention.

Despite the admirable aims of this Bill, I think the affect of it will be to reduce attention in the area of Alcohol Rehabilitation and Treatment and hopefully Prevention. We now have programs within the Department of Human Services to the tune of \$2,950,000 plus some additional \$628,000 in the Part II Budget. There are programs within Mental Health and Corrections, within the Department of Education, within to some extent the Department of Public Safety, and I presume elsewhere.

I think there should be a real effort on the part of this Legislature to try and coordinate these programs and try and develop something effective. The practical affect of this Bill would be to reduce attention to these programs rather than increase it.

If, in fact, they need more funding, if, in fact, they need increased attention, I think the Legislature should make a special effort to do so in the near future, probably in the interim between sessions for action by the Special Session. I think the effect of this bill will be exactly the opposite of the intent of the Bill. I do hope the Senate will not Recede and Concur.

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

Senator HICHENS: Mr. President and Members of the Senate: I appreciate the remarks of

the good Senator from Cumberland, but this is the same thing that we've been hearing for the last 10 or 12 years. We're going to do something about it, nothing has been done about it. I think this is an opportunity we have to do something about it, without setting up strict dedicated funds. I hope that you'll go along with the motion to Recede and Concur.

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

Senator SILVERMAN: Mr. President and Members of the Senate: I do believe the Senator from Cumberland has brought something to our attention. But I do question, over the years time and time again many of us have put in Bills for the need of funding for Alcohol Prevention and Alcohol Treatment. Yet each time for some reason when they reach the Appropriations Table, they are forgotten.

I'm quite certain many of us realize the State of Maine makes \$54,000,000 off of alcohol, consumed, purchased, and sold in this State. Yet, when it comes to helping those families and those people with the problem, 2.9 million at the most out of \$54,000,000.

I realize when we start talking dedicating funds for Alcohol Rehabilitation, Prevention and Treatment that many people on Appropriations, all of a sudden get somewhat scared, because they're using those funds for other purposes.

I would challenge those that there are going to be 2 or 3 bills on the Special Appropriations Table. One in the field of prevention at the Education Level, one in the field of Alcohol Treatment and Rehabilitation. I would only hope that those bills receive recognition, because you can't forever profit off the misfortunes of others without alcohol problems and not in turn properly fund the treatment that they need in this day and age. Thank you.

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

Senator CONLEY: Mr. President, a few years ago prior to the passage of the ODAP Program, this State appropriated approximately \$84,000 for the Division of Alcoholism Services. We have come a long way and we have a long way to go. But the rational approach is not by giving a blank check to any bureaucrat. I think this Legislature, each and every member of this Legislature should decide as to how the revenues of this State are to be spent.

I'm opposed to dedicated revenue in the Highway Department, Fish and Game, right down the line. The fact of the matter, those things happened before I ever came down the pike. I don't want to see another revenue account set up that would just give one bureau within the whole State System the opportunity of establishing a blank check.

I agreed with what the good Senator from Washington has stated, Senator Silverman. I certainly have supported those programs dealing with alcohol, that I felt were in the best interests of that problem. That doesn't mean that because somebody introduces a bill or everyone introduces a bill that it's a good bill. We should evaluate it before we fund it, I again would urge the Senate to vote against the pending motion.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

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

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

8 Senators having voted in the affirmative and 23 Senators in the negative, the Motion to Recede and Concur does not prevail.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: I move that the Senate Adhere.

The PRESIDENT: The Senator from York.

Senator Farley, moves that the Senate Adhere. Is this the pleasure of the Senate? The Motion Prevailed. The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Reconsideration. The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby it voted to Adhere on 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.

Non-concurrent Matter

Bill, "An Act to Reestablish the Boundary Line Between Winslow and China." (H. P. 834) (L. D. 1031)

In the House June 4, Passed to be Engrossed as amended by Committee Amendment "B" (H-614).

In the Senate June 6, Passed to be Engrossed as amended by Committee Amendment "A" (H-613), in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator EMERSON: I move we Adhere.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves the Senate Adhere.

The Chair recognizes the Senator from Androscoggin, Senator Cote.

Senator COTE: Mr. President, and Members of the Senate, I move that we Recede and Concur.

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

Senator CARPENTER: I request the Yeas and Nays.

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Cote.

Senator COTE: Mr. President and colleagues of the Senate, I hope this morning that we will Recede and Concur. I feel that an injustice has been perpetrated on individuals, who in good faith bought a piece of land. Subsequently the lines of the towns were changed. These people who labored and labored hard to save enough money in order that they have some land for their future, and now we're trying to take part of that land away from them.

I have here a letter in my possession given to me yesterday. I would like to read into the record. The letter was addressed November 22, 1976. Mr. Louis Vigue, Waterville, Maine. Dear Mr. Vigue: I have not as yet visited your lot at the east bank of the Pond in the Town of Winslow to appraise the cutting that you described to me 2 weeks ago, the fact that the Brown's posted the area, which was supposed to be your land by the ruling of the court had me somewhat confused. In all reality it must be trespassing on your land, and have posted your land in their name, which in effect is contrary to any laws that I have come in contact with.

I would expect that you in return could use your land and if you could not have, they left out you could have been arrested for trespassing.

I have talked with my lawyer and he has suggested, that the threats that have gone along with this situation from the Browns, and I do not enter upon the property unless I have a

member of the law enforcement staff with me at the time. This member may be a sheriff or a State Police Officer.

It may be of interest to you, that Mr. C. K. Archer has been contacted by phone and that threats of violence have been made upon, on anyone who may be on your land on the southeast corner in the Town of Winslow. This is not a lawful thing in itself and although it is a verbal threat, it is also a dangerous threat.

In other words, if I went into the area and was shot, there's a danger to me. If I went into the area armed, and was shot at, I would naturally shoot back, and this in itself, might show premeditation in court.

I have been advised by our local State Treasurer that you might begin proceedings against Mr. Brown, with that evidence that you have at the present rather than let this drag on and be a hazard to persons involved. Signed, Wesley J. Marble, Forester.

The people in question went to court upon two different occasions, I am told, was ruled in their favor. Now because of the selfishness of a town, they are going to be deprived, I don't think that this is right. I think they have justice on their side, and I feel that they have appealed to this Legislature, which is the highest court in this State, in my opinion we should give a judgment. A judgment for justice, and I hope that as members of this August Body will vote to Recede and Concur with the actions of the other body.

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

Senator SHUTE: Mr. President and Members of the Senate: If you want to do justice here today you should vote against to Recede and Concur and vote to Adhere. This Bill that is in here on the Town Line between Winslow and China was put in by the town of Winslow without any input from the Town of China. The Town of China didn't want this bill in here. It was the Town of Winslow that wanted it in here.

Now you talk about a court decision. That court decision was between two individuals, it wasn't between two towns. The towns haven't been to court on this. Individuals have, and because somebody writes somebody a letter, I don't think that's any good reason to change a town line all over. They might write a letter down in my town, but I don't expect the town line to be changed 40 to 60 acres.

Now Winslow has done a lot of work on this; the Town of Winslow. They have hired people to survey this; they have hired them to look into the records and twice the people that they hired, come back and said the land belongs to China and once the Town of China and Winslow had somebody together, and it come back in favor of China, and Winslow would only pay half the cost. They paid their half of the cost of the surveying, but they wouldn't pay the half of the cost to setting a marker, because it didn't come out in their favor. Now if people have got a land dispute, why don't they take it to court and settle it? Why do they come over there and try to steal it?

Now Winslow, if they feel they want to, the Town of Winslow wants to steal land, they should take it to the court, they shouldn't have it over here.

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 Androscoggin, Senator Cote, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion to

Recede and Concur.

A No vote will be opposed.

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

ROLL CALL

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

NAY — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreaity, Perkins, Shute, Sutton, Trotzky, Sewall.

ABSENT — Martin.

A Roll Call was had.

16 Senators having voted in the affirmative, and 16 Senators in the negative, with 1 Senator being absent, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would ask for a Roll Call on Adhering.

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 to 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 — Ault, Chapman, Clark, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreaity, Perkins, Shute, Sutton, Trotzky.

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

ABSENT — Martin.

A Roll Call was had.

15 Senators having voted in the affirmative, and 16 Senators in the negative, with 1 Senator being absent, the Motion to Adhere does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I would now move we Recede and Concur with the House.

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

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I would ask for 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 Cumberland, Senator Conley, that the Senate Recede and Concur with the House.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Clark, Conley, Cote,

Danton, Farley, Minkowsky, Najarian, O'Leary, Pierce, Pray, Redmond, Silverman, Teague, Trafton, Usher.

NAY — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairty, Perkins, Shute, Sutton, Trotzky, Sewall.

ABSENT — Martin.

A Roll Call was had.

16 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with 1 Senator being absent the Motion to Recede and Concur does not prevail.

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

Non-concurrent Matter

Bill, "An Act to Provide Funds for Side-by-Side School as a Demonstration Project for Alternative Education Programs." (H. P. 1125) (L. D. 1397)

In the House June 5, Passed to be Engrossed as amended by Committee Amendment "A" (H-624) as amended by House Amendment "B" thereto (H-649)

In the Senate June 6, 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 Penobscot, Senator Trotzky.

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

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division and hope you will vote No on this, and stay in the Senate's position of yesterday. Then vote to Adhere.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Just one final point which maybe was not clarified in it's entirety yesterday. That was the allocation of money to the Side-by-Side School is a State appropriation. These children who are not in school at the present time are not on the Portland School Roll, which means the per pupil allowance is not taken into consideration.

If they were on the Portland School Rolls, then I'd think you would be given this entire amount. Also I think to run the first year of that particular program which would take about \$30,000. These people are willing to go out and raise the difference in the community, which I think is very significant in order to keep those kids off the street, get them into usefull productive curriculums so they can be more beneficial people in our society.

Hopefully we can stress the point that should not be evaluated from the viewpoint that it's a Portland Bill. This can happen anywhere in the State of Maine. I think the compassion that we have in this body, the understanding of the Department of Education, which is in concurrence with this particular Bill should say enough that we actually should Recede and Concur with the other body.

The PRESIDENT: Is the Senate ready for the question.

A Division has been requested.

Will all those Senators in favor of the Motion to Recede and Concur with the House, 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 Kennebec, Senator Pierce.

Senator PIERCE: I would request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

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

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 Cumberland, Senator Conley.

Senator CONLEY: Mr. President, other than the fact that this is a very excellent program, it's a beautiful day. I would urge the Senate to vote to Recede and Concur.

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

Senator COLLINS: Although this is advertised as a Portland Bill, I'm voting against it because at least 2 of the Legislators from the City of Portland have advised me that it's a bad Bill.

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

Senator NAJARIAN: I'd just like to remind the Senate that there are 12 of us who represent Portland.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate Recede and Concur with the House.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Carpenter, Clark, Conley, Cote, Danton, Farley, Gill, Minkowsky, Najarian, O'Leary, Pray, Trafton, Trotzky, Usher.

NAY — Chapman, Collins, Devoe, Emerson, Hichens, Huber, Katz, Lovell, McBreairty, Perkins, Pierce, Redmond, Shute, Silverman, Teague.

ABSENT — Martin, Sutton.

A Roll Call was had.

15 Senators having voted in the affirmative, and 15 Senators in the negative, with 2 Senators being absent, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Adhere, 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 Minkowsky.

Senator MINKOWSKY: 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 to Adhere.

A Yes vote will be in favor of Adhering.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, Devoe, Emerson, Hichens, Huber, Katz, Lovell, McBreairty, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague.

NAY — Ault, Carpenter, Clark, Conley, Cote, Danton, Farley, Gill, Minkowsky, Najarian,

O'Leary, Pray, Trafton, Trotzky, Usher.

ABSENT — Martin.

A Roll Call was had.

16 Senators having voted in the affirmative, and 15 Senators in the negative, with 1 Senator being absent, the Motion to Adhere does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider it's action whereby it voted to Adhere.

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

Will all those Senator opposed, please say No.

A Viva Voce Vote being had.

The Motion does not prevail.

Communications

COMMITTEE ON AGRICULTURE

June 4, 1979

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine, 04333

Dear President Sewall:

The Committee on Agriculture 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 41

Unanimous Reports 34

Ought to Pass 7

Ought to pass as Amended 10

Ought to pass in New Draft 1

Ought Not to Pass 1

Leave to Withdraw 15

Divided Reports 7

Bills held in Committee 0

Respectfully yours,

S/WALTER W. HICHENS

Chairman

Which was read and Ordered Placed on File.

HOUSE OF REPRESENTATIVES

June 6, 1979

Honorable May M. Ross

Secretary of the Senate

109th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following Conferences to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Assistance" (H. P. 402) (L. D. 508)

Mr. KELLEHER of Bangor

Mr. BARRY of Fort Kent

Mr. LANCASTER of Kittery

Respectfully,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

HOUSE OF REPRESENTATIVES

June 6, 1979

Honorable May M. Ross

Secretary of the Senate

109th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to Adhere to its action whereby it indefinitely Postponed Bill "An Act to Establish a Statutory Limit on County Expenditures during any One Fiscal Year" (S. P. 256) (L. D. 730)

Respectfully

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports

House

Ought to Pass

The Committee on Local and County Government on, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1979." (Emergency) (H. P. 1483) (L. D. 1670)

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

Under Suspension of the Rules, the Resolve was Read a Second Time.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, is it now in order to introduce an amendment to this?

The PRESIDENT: The Chair would answer in the affirmative.

Senator DEVOE: Thank you very much, Mr. President.

Mr. President, I have Senate Amendment "A" to this L. D. 1670, with Filing Number S-321. Would like to present it and move it's Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, now offers Senate Amendment "A" to L. D. 1670 and moves its Adoption. Senator Amendment "A" (S-321) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Mr. President and Members of the Senate: Penobscot County Budget is well over a million dollars and this amendment simply proposes to reduce it by a net of \$25,000. What we have attempted to do in this is to delete certain amounts from various commodity and contractual services in several of the sections of the Budget. There is a \$12,000 deletion from the County Attorney's Budget, approximately six of that was targeted for a new car and about \$6,000 goes for deletion for contractual and commodity services.

That there has been a lot of controversy in Penobscot County. The Town Managers have been involved in this, they originally proposed \$100,000 worth of cuts. This represents a considerable reduction, by three-fold of their proposed reductions.

There is a very important provision which I would like to point out on page 2 of the amendment. There has been a controversy in Penobscot County about county funding of rural deputies, rural law enforcement programs. We have inserted in the amendment a proviso that reads as follows: "county funding for the rural deputy sheriff program shall be discontinued at the end of calendar 1979". This controversy has been in existence for a couple of years and each November, when we are presented the budget at the county budget meeting, the Town Managers come in and say, well we weren't sure whether the rural law enforcement program was going to be discontinued, we don't have time to see if we can have a collective effort among the towns to do this, and so this is a way of sending the towns a message that they will have approximately 6 months in which to make their own arrangements for Rural Law Enforcement. Thank you very much Mr. President. I hope very strongly that members of the Senate will support Senate Amendment "A".

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 Penobscot, Senator Devoe. I notice that we have roughly about four days left in this Legislative Session. I notice that most county delegations have been generally caucusing with respect to the budgets as they appeared before the Joint Standing Committee on Towns and County Government. It would appear to me that many of these things that are incorporated within this amendment must have been discussed at one time or another, prior to its presentation to the Joint Standing Committee. I don't know how those in Penobscot County del-

egation operate, but I know that in Cumberland County, at least, members generally take a vote on certain proposals that are being presented and make that decision by whatever majority rules, such as what happens in this Maine Senate. It just seems to me that at this late stage of the game, you have us end up in non-concurrence with the other body, that you might very well be jeopardizing the Penobscot County Budget. If there is no favorable response to that then I personally would feel that this amendment should be Indefinitely Postponed.

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

Senator EMERSON: I want to thank the Senator from Cumberland for bringing out some of my points. I would urge you to vote against this motion, well for two reasons, first it is late. The other body refused to accept this amendment yesterday, so if we accept it, it is in non-concurrence, and I don't know what might happen to the County Budget.

I would like to point out to the members of the Senate that Penobscot County's Budget for 1979 is less than it was in 1978, by 3/10% and Penobscot has the lowest tax rate of any County in the State. So I think we've done a fairly good job, and I'm as interested in saving money as anybody here, I'm sure.

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

Senator PRAY: Mr. President, I move the Indefinite Postponement of this amendment.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that Senate Amendment "A" be Indefinitely Postponed.

The Chair will order a Division.

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

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

14 Senators having voted in the affirmative, and 9 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

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

Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act." (H. P. 754) (L. D. 960)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-618).

Signed:

Sensor:

COTE of Androscoggin

Representatives:

LaPLANTE of Sabattus
McMAHON of Kennebunk
DUTREMBLE of Biddeford
BROWN of Livermore Falls
NELSON of Rogue Bluffs
DRINKWATER of Belfast
WENTWORTH of Wells

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

Signed:

Sensors:

EMERSON of Penobscot
REDMOND of Somerset

Representatives:

STOVER of West Bath
McHENRY of Madawaska
BORDEAUX of Mt. Desert

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-669).

Which Reports were Read.

On motion by Senator Cote of Androscoggin 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 Emerson of Penobscot, Committee Amendment "A" Indefinitely Postponed, in concurrence. House Amendment "A" Read and Adopted, in concurrence.

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

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Creating a Division of Industrial Training." (Emergency) (H. P. 540) (L. D. 671)

Reported that the same Ought Not to Pass. Signed:

Sensors:

GILL of Cumberland
MINKOWSKY of Androscoggin

Representatives:

CONNOLLY of Portland
FENLASON of Danforth
LEWIS of Auburn
BEAULIEU of Portland
DAVIES of Monmouth

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1478) (L. D. 1665)

Signed:

Sensor:

TROTZKY of Penobscot

Representatives:

BIRT of East Millinocket
ROLDE of York
LEIGHTON of Harrison
GOWEN of Standish
LOCKE of Sebec

Comes from the House, the Bill in New Draft, passed to be Engrossed as amended by House Amendment "B" (H-668).

Which Reports were Read.

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

Senator TROTZKY: Mr. President, I move the Senate Accept the Minority Ought to Pass of the Committee. I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate: The one issue that I remember in my campaign in discussing issues with people is that people in the State of Maine would like to see industry attracted to the State of Maine so that there are good jobs created to improve the economic conditions of people throughout the state.

What this Bill does is establish a Division of Industrial Training within the Bureau of Vocational Education. Governor Longley, I gather, made a commitment to Pratt & Whitney to help train its labor force as an incentive to bring that company to the State of Maine. However we do not have any formal structure or program for our development office as an incentive to compete with other states in bringing industry to Maine. What this bill is, it establishes that Division of Industrial Training. It doesn't cost anything. There's no appropriation on this Bill. If we put this structure into our law, it's up to the Governor if he wants to bring industry in he can take money out of his contingency fund, he may take money out of his contingency fund and appropriate it to set up this Division of Industrial Training. Also the legislature if it wants to in the future, can appropriate money to the Division of Industrial Training.

Many states compete to attract industry and this would be a school to help attract industry. I hope that the Senate would accept the Minority Ought to Pass Report.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I would oppose the

Motion of the good Senator from Penobscot, Senator Trotsky. First and foremost, is going to jeopardize our well organized Apprenticeship Council which has been one fantastic job here in the State of Maine.

Secondly, I would call your attention to the fact that in 1975 we did establish a Maine Vocational Development Commission. Now this Maine Vocational Development Commission follows the same guidelines as being brought forth in this particular document, which in essence negates the necessity of facing another piece of Legislation.

When this was discussed in Committee it appeared to me, generally in the beginning, that it appeared to be another proliferation in the Department of Education guaranteeing somebody a particular job. When the fact was brought out, was this the purpose? The answer came forth with, yes, providing you can give us the appropriation when it came back the second time, the answers we still want the position but we can fund it for two more years without this appropriation. Now that tells me a great deal of the type of games that are being played at the present time.

In 1975, we funded the Maine Vocational Commission. We did everything but give it the necessary funds to implement what we are attempting to do here today. I would say the only important thing that we have to address and if the Appropriations Committee is addressing, their commitments to the Governor of the State of Maine, the previous Governor to address the needs of Pratt & Whitney, or any other industry that wants to establish in the State of Maine, let us follow the existing guidelines we have.

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

Senator TROTZKY: Mr. President and Members of the Senate: The opposition to this bill came from the mighty AFL-CIO. What they are concerned with in this Bill is that we may attract a non-union industry to Maine. They would like to have full control over the training programs in the State.

In fact I remember one statement made to me, one member of the organization was concerned about training people from Pratt & Whitney because Pratt & Whitney only pay \$5.00 an hour, and it seems in Conn. they were paying \$7.00 an hour. So I think that's a lot of chutzpah in my opinion, because \$5.00 an hour happens to be a good wage rate for Maine people in the State of Maine, and if a person has had a job for three and a half dollars suddenly can get a job for \$5.00, I think his economic conditions can be bettered.

But that's what the main concern was of organized labor. We have some provisions in this bill that essentially, I'll read them. "The Director of this bureau shall favor where appropriate, industries and employers likely to pay higher wages rather than lower wages." It also leaves it up to the Governor to determine whether to provide Industrial Training to a Company coming in.

The Governor we have right now is a Democratic governor, and is very strongly pro-union so I feel very assured that there'd be no problems in attracting industries to Maine that pay slave labor.

Also in the bill itself, it talked about one of the guidelines prevailing economic conditions. There are parts of the State of Maine where the jobs available are very low paying jobs. Now if an industry comes in which will pay better wages, to me the economic conditions are important in determining whether to attract an industry to that specific area. Anyway we can attract industries to Maine that will pay higher wages than those prevailing, I say is good for the people of this State. I think this is just an economic tool to allow the governor of this State to compete with other states in the country in bringing industries to Maine.

The PRESIDENT: The Chair recognizes the

Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: All I can think of in one simple word to answer the half statements made by the good Senator from Penobscot, Senator Trotsky was echoed a few months ago in Washington, D. C. by our President. He summed it up in one word. It was 'baloney'!

That explanation that the good Senator just gave us is nothing but a "Red Herring" to perpetrate the ideas of the unions of the State of Maine want to monopolize industry. He down deep inside knows a lot better than that.

We are concerned with jobs. We are concerned with industrial expansion. The most important thing we have to use, the most viable tools we have at our disposal and what I just emphasized to you earlier, that tool is available. All that tool needs is funding. It's been on the books since 1975. Why doesn't the good Senator from Penobscot, Senator Trotsky address that? That's all it takes.

I don't want to create any more bureaucratic systems in the State of Maine. In fact that's one reason why maybe I'm on the committee with the good Senator from Aroostook, Senator McBreaire, on Audit and Program Review to have an overview of what's materializing.

I'm saying at the present time that the solution to this, if we do not want to jeopardize the Apprenticeship Council and the good work they have done. If we don't want to jeopardize the Maine Vocational Development Commission. If we don't want to jeopardize existing programs by our larger industries in the State of Maine. Look at the training program for example that Bath Iron Works has going on. Are we to say to them, now we're going to start funding this. Maybe presently they're much larger than Pratt-Whitney. They've been here for many years. In fact, they're an old State of Maine concern going back to when Maine became a State.

Use that analogy or correlation. What's it is going to do to jeopardize existing Training Programs that are going on. I think you'll find that I'm absolutely correct in the evaluation as to why I voted against this particular atrocity.

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

Senator GILL: Mr. President, this Bill simply is not needed. I've learned in my experience here this session. I've had some Bills that were to create jobs in the Department of Education. I was told they were not necessary because these programs could be carried on without an added personnel over in the Department. I think this is another one of those bills. This function can be carried on.

There are now 31 agencies in the State of Maine dealing with jobs and trying to get people employed in the State. I would suggest that the governor might get them together, and if they're not doing an adequate job, then make a decision where he should go and come in at another session of the Legislature and decide at that point what he wants to do, but I think this is premature. We've now got 12 personnel over in that Department of Education that are handling specialized programs. I'm not for putting another one over there. I think the industrial community can handle this themselves.

At SMVTI where we're now going to train some of the people for Pratt-Whitney, it's a long story and I don't want to take the time now. But we've had to close down because of Fire Marshall's safety regulations 2 buildings over there, a welding shop and a dormitory. We've been trying like mad to get some money for a new welding shop so we could continue programs that are really viable programs that we need right now in the State of Maine. We're not going to be able to do it, because there's no additional funds. Yet they found an old building over to SMVTI, and BPI came in and found enough money to refurbish that building just to carry on a program for Pratt-Whitney.

I don't want to do that. I'd like to take care of the buildings that we've got right now, that have on-going programs that are good for the State of Maine and those people are getting jobs as they graduate from those programs. I think we have priorities, I've set my priorities, this is a bad bill.

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

Senator NAJARIAN: Mr. President, I'm confused about one issue here. I'd like to pose a question to anyone who would care to answer it. The Senator from Penobscot, Senator Trotsky was talking about that this is for new industry which will be coming into the State. I think Senator Minkowsky raised some question that it would replace current programs that are now being paid for by existing industry within the State out of their own money. I'd just like to have that point clarified. Is this specifically just for new industry coming into the State, or is it for any industry?

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

Senator TROTZKY: Mr. President, this would be for either new industry or industry which is in the State, but it leaves it up to the discretion of the Governor. So it would help residents of the State, possibly in existing industries where those industries are expanding and might have problems with training a work force.

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

Senator GILL: It might give those industries an opportunity to say, well, if the Department of Education of the State of Maine wants to handle these expanded programs then we'd like to expand. It might be able to put it right in their laps. We don't want it here, Industry is there to provide their own, they've done it in the past. I don't want the Department of Education of the State of Maine to spend their money on programs like this.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of accepting the Minority Ought to Pass, in New Draft 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.

3 Senators having voted in the affirmative, and 27 Senators in the negative, the Motion to accept the Minority Ought to Pass, in New Draft Report does not prevail.

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

Divided Report

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

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1484) (L. D. 1671)

Signed:

Senator:

REDMOND of Somerset

Representatives:

DOW of West Gardiner
GILLIS of Calais
MACEACHERN of Lincoln
TOZIER of Unity
JACQUES of Waterville
VOSE of Eastport
CHURCHILL of Orland
PETERSON of Caribou
MASTERMAN of Milo.

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

Signed:

Senators:

PIERCE of Kennebec
USHER of Cumberland
Representatives:

PAUL of Sanford

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "B" (H-666).

Which reports were Read.

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

Senator REDMOND: Mr. President and Members of the Senate: I move that we accept the Majority Ought to Pass Report of the Committee. I'd like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator REDMOND: The Department of Fisheries and Wildlife operates on Dedicated Revenue from the sales of Fishing and Hunting Licenses. The effects of the State Employees pay raise and inflation have caused a gap in the projections for the next Biennium.

The Members of the Committee would have liked to be able to postpone this request for an increase in license fees, however, we find that it would be difficult to meet the payrolls early, even this year. The time for action is now. It can't be put off.

If additional revenue does not start coming into the Fish and Wildlife Department early in 1980, the agency wouldn't be able to meet it's April, 1980 Payroll. The need for the additional revenue is the result of 4 years of inflation, at 8 to 12% a year, plus the impact of the recent wage contract, \$705,000 for the first year alone for the department. The department revenue is determined by the license fee set by the legislature in 1976, and is fairly stable annually, but expenses are affected by inflation. The dollars simply do not go as far today as they did in 1976.

The Department has been cutting costs annually to postpone this revenue request until later than this session. There are actually 10 fewer permanent employees in the department now than in 1975. Even with the \$825,000 estimated additional revenue to be produced by this Bill, the department will have to undergo strict budget cutting to stay solvent.

The extra revenue produced by this Bill is desperately needed, but will be only a stop-gap measure. The long range problem of financing must be dealt with later. I hope that the Senate will vote for this Bill.

(Off Record Remarks)

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

Senator USHER: I oppose the pending motion and would ask for a Division. I believe that we can survive one more year without an increase. One of my main reasons is a new administration is just being organized this week. Also a new financial officer is being hired by the department. They're having interviews right now.

The figures have been tossed around so many times in the past 4 or 5 meetings that we've had between the Committee. I honestly don't know what to believe. I've also seen different figures this morning, from what we were presented. I would prefer that we hold off one year so a new administration can get organized rather than make the sportsmen of the State pay the additional money and find out that we have a greater surplus than what we really have right here on paper.

At the last meeting that we had, there were reports that at the end of next June of 1980 we would still have about \$750,000. I don't call that in the red. They need operating reserves of \$750,000. So that still gives us a surplus.

The \$3 increase is also coupled with another 50¢ increase to the local clerks so it's actually a \$3.50 increase, which comes around 47% for the resident sportsmen compared to about 7% non-resident sportsmen. So how can you justify that? At the time of inflation, also inflation hits

the sportsmen of the state too. I believe that we can organize the department and come back with possibly a little bit better figures than what we have presented to us today.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of accepting the Ought to Pass, in New Draft, Report, 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 18 Senators in the negative, the Motion to accept the Majority Ought to Pass Report does not prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move this lie on the table until later in today's session, pending further action.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves L. D. 1671 be tabled until later in today's session.

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.

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

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

15 Senators having voted in the affirmative, and 6 Senators in the negative, the Motion to Table until later in today's session, does prevail.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Encourage Free and Open Competition in Insurance Funded Repairs." (H. P. 874) (L. D. 1064)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CHAPMAN of Sagadahoc

CLARK of Cumberland

Representatives:

HOWE of South Portland

JACKSON of Yarmouth

BRANNIGAN of Portland

SPROWL of Hope

WHITEMORE of Skowhegan

LIZOTTE of Biddeford

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-626).

Signed:

Representatives:

DUTREMBLE of Biddeford

GWADOSKY of Fairfield

ALLOUPIS of Bangor

Comes from the House the Bill Passed to be Engrossed as amended by House Amendment "B" (H-663)

Which Reports were Read.

On motion by Senator Chapman of Sagadahoc, the Minority 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 Chapman of Sagadahoc, Committee Amendment "A" Indefinitely Postponed.

House Amendment "B" Read and Adopted, in concurrence.

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

Senate

Leave to Withdraw

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An

Act to Establish the Maine Title XX Social Services Act." (S. P. 422) (L. D. 1293)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Enactors

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

An Act Concerning Driver's Education for the Physically Disabled. (H. P. 1162) (L. D. 1427)

An Act to Transfer the Cost of Witness Fees for Superior Court from County Budget to the State. (H. P. 926) (L. D. 1140)

An Act to Establish an Office of Deafness and Communications Disorders. (S. P. 407) (L. D. 1265)

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

An Act to Authorize the Citizens of Hancock County to Vote on the Matter of Converting Vocational Region #5 to a Vocational Center. (H. P. 1463) (L. D. 1665)

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

An Act to Extend Rights of Patients in Institutions to Patients in Residential Care Facilities. (S. P. 466) (L. D. 1528)

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

An Act Relating to the Protection of Ground Water. (S. P. 468) (L. D. 1479)

An Act to Amend the Life Insurance Provisions Regarding Justices and Judges. (S. P. 345) (L. D. 1059)

An Act to Amend the Campaign Finance Law. (S. P. 78) (L. D. 167)

An Act to Eliminate the Licensing and Reporting Requirements by the Owners of Diesel Powered Noncommercial Vehicles who Purchase only Fuel upon which Fuel Tax has been Paid. (S. P. 251) (L. D. 697)

Which 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 Coordinating Regional and Intercity Public Transportation Programs. (S. P. 495) (L. D. 1556)

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

Emergency

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

Emergency

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. (H. P. 1445) (L. D. 1644)

These being emergency measures and having received the affirmative votes of 26 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.

Orders of the Day

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

HOUSE REPORT — from the Committee on Local and County Government — Bill, "An Act to Establish Self-Governing Provisions for Cumberland County." (H. P. 509) (L. D. 637) Leave to Withdraw.

Tabled—June 15, 1979 by Senator Emerson of Penobscot.

Pending—Acceptance of Report.

On motion by Senator Conley of Cumberland, Retabled until later in today's session.

The Chair laid before the Senate the Second 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—June 5, 1979 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On motion by Senator Collins of Knox, Retabled until later in today's session.

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

Bill, "An Act Relating to Lending Institutions and Selection of Title Attorneys." (H. P. 332) (L. D. 431)

Tabled—June 6, 1979 by Senator Devoe of Penobscot.

Pending—Motion of Senator Chapman to Indefinitely Postpone Senate Amendment "B" (S-313) to Committee Amendment "A" (H-611)

On motion by Senator Chapman of Sagadahoc, Senate Amendment "B" to Committee Amendment "A" Indefinitely Postponed.

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. When we last debated this at length a couple of days ago, we had posed some question to anyone on the committee or anyone else on the other side who wanted to answer the question. One of them related to what is a qualified Title Attorney, or what is a Qualified Attorney. We also asked the question whether or not all Financial Institutions in the State of Maine were covered under the amendment.

I would just like to pose a question through the Chair if I may Mr. President to the Senator from Cumberland, Senator Clark or anyone else who might be able to favor us with answers to those questions which we had posed.

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. Mr. President and Men and Women of the Senate. My legal advisors have assisted me greatly in attempting to respond to the 4 inquiries that were tendered by the Senator from Penobscot, Senator Devoe. I would respond in the following fashion.

I believe he asked me or anyone else to define 'Searching the Title.' Searching the Title involves attorneys examining the records consisting of deeds, mortgages, and other documents on file in the Registry of Deeds, and frequently the Registry of Probate, to determine whether the real estate title is in proper form and is marketable.

The purpose of the examination is to determine whether any other person by virtue of a deed, mortgage, tax lien, or other document has an interest in real estate so that the purchaser has some reasonable assurances that he or she is getting good title and that if he or she ever wants to sell the property, they can do so.

From the bank's point of view, the bank wants to be assured that it is properly protected if it has to foreclose and dispose of the property. Frequently attorneys will find problems with the description of a title or problems involving the execution of deeds or other documents which have to be clarified before the purchaser can be assured that he or she is getting good title.

Inquiry #2. Is a Credit Union included under the definition of a Financial Institution. The response is this. No! Because under the definitional sections of the banking law, Title 9B,

MRSA sub-section 131, sub-section 17, defining a Financial Institution, a Credit Union is included only for certain purposes. If it should be included under the legislation then sub-section 17 should be amended so that the last sentence reads as follows: "As the term financial institution is used in parts 1 and 2, section 439 in chapter 46, it shall include Credit Unions organized pursuant to the laws of the State."

Inquiry #3. What is a qualified attorney? I had fun with this one. Under the Legislation the banks clearly have some discretion to determine whether an attorney is qualified to Search Titles. The yardsticks for qualifications that are rather commonly used have to do with experience, confidence of the lending institution in the particular attorney, his or her track record, and his or her ability to produce the necessary work within the time constraints available.

Banks frequently exercise this judgment now and sufficient latitude to do that based on the current recently well understood standard is included in the legislation.

Inquiry #4. Is a National Bank included in the definition of Financial Institutions? The response is No. 9B MRSA sub-section 131, sub-section 17 relates only to State Chartered Institutions and National Banks are subject to Federal Regulations.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you very much, Mr. President. I thank the good Senator very much for her carefully researched and presented answers. I agree with her answers.

I would like to point out to the Members of the Senate that when the good Senator spoke yesterday I believe that she made reference to the bill attempting, or that there was an attempt to change an existing practice which has worked well. Yet there is one question still unanswered with reference to Committee Amendment "A". That is the question which I believe the good Senator from Knox, Senator Collins raised yesterday.

Do the words "adequate liability insurance" or such other written policy requirements that are contained in Committee Amendment "A" mean title insurance issued by a Title Insurance Company to a borrower and to the lender? I'm going to assume that these words do mean Title Insurance.

We have this in use somewhat in the State of Maine now. But Title Insurance as I believe the good Senator from Cumberland, Senator Clark realizes, represents in virtually all instances an added cost to the consumer that is not now present in the usual residential mortgage transaction.

I grant you that there are some banks and other lenders and some borrowers certainly those who come in from out of state, who are requesting that we use Title Insurance. But I don't think that the good Senator from Cumberland, can point to a large number of banks in the State of Maine that presently today require borrowers as part of every residential mortgage transaction to present a Title Insurance Policy to the bank.

The practice that has gone on for years and years and years is that the bank has accepted the word of its attorneys that it has chosen to search the title and prepare a letter to the bank Certifying the Title.

Now I was present for about 45 minutes or an hour of the testimony on this Bill. I don't recall hearing any testimony from any of the proponents of L. D. 431 that the present practice was working a disservice to the consumer involved, namely the lender. The people who were there testifying in favor of this Bill were lawyers. Principally attorneys from Penobscot and Hancock Counties, which seem to be the 2 areas specifically mentioned.

There were also some attorneys from Frank-

lin County, but in talking with another Senator just in the last day or two, I've been told that the situation that was recounted, is happening in Farmington, where 1 or 2 attorneys were being frozen out of title work, has been rectified to a considerable extent. Apparently, in direct relation to the pressure exerted by this bill.

Now what the good Senator is presenting to the Senate today is a bill that will mandate, if this were to become law, that every borrower present a Title Policy to the bank. That Title Policy is a new additional cost, that in virtually all instances we do not have now.

Average real estate costs are going to go up, not down. It's going to be done if this bill were to be Enacted, because of pressure from 2 or 3 law firms who are principally attending the hearing and testifying in favor of this bill.

I realize there has been pressure on banks. A virtually identical bill was presented 4 years ago. In that time, in the time since 1975 many of the banks have relaxed and loosened up their requirements and broadened greatly the number of attorneys in their particular areas who were allowed to do title work for those banks. These changes are also now underfoot. I understand from the banks involved, which have offices in Bangor and Ellsworth.

The good Senator from Sagadahoc, Senator Chapman, mentioned this is using a sledge hammer to swat a fly. I would like to ask in addition to whether or not this represents an additional cost that is across the State not now present in most real estate mortgage transactions. If the good Senator from Cumberland, Senator Clark is also aware of the conflict of interest.

If you have an attorney who represents a Title Insurance Company, is it the opinion of the Senator from Cumberland, Senator Clark, that that attorney can also represent the bank? Does there need to be another attorney to represent the bank to examine the Title Insurance Policy to see if there are exclusions in the policy in favor of the insurance company, which might serve to do financial harm to the bank. If in fact a title problem later developed and the owner of the property were to lose the property or were to have to pay some money to correct the title defect?

Can the Senator from Cumberland address these problems for us? Because this problem of a conflict of interest has been dealt with by the Maine Supreme Court in at least 2 decisions or 3 decisions within the last year or 15 months. One of them involved the case of Pedco vs Peaslee, in which the law court in July of '78 addressed that problem.

I have a letter from the President of a Bank in Bangor, received yesterday, in which he says: "I have recently had a disturbing experience with an attorney who generally represents one of our mortgagors. In this instance the attorney proposed to represent the borrower, the bank and the Title Insurance Company. This bank's council in reviewing the binder contacted the attorney asking that certain limitations be removed from a particular paragraph. The attorney representing the Title Insurance Company and mortgagor did remove these exclusions but added a new paragraph on the end of the policy which effectively placed the exclusion back into the agreement.

This experience clearly indicates to me not only will the binder be reviewed by bank council, but the policy when issued as well. Needless to say adding to the cost."

Now this is the proposal that the Majority of the Committee on Business Legislation has offered us. I really think that it's a serious matter that we're discussing here, whether or not the Senator from Cumberland, thinks that the lawyer who represents the Title Insurance Company can also represent the bank, because their interests to some extent may be different.

Don't let this be glossed over, Members of the Senate! It's a serious matter. This Bill, this

amendment, you're going to have to answer to your constituents when you go back home. If they go to the bank and the bank tells them that the Legislature passed a law that more or less mandates Title Insurance, then you can believe that you're going to hear from it.

You're also going to hear from your constituents who have to pay not only for bank council, but for the legal work that has to be done by the lawyer who does represent the Title Insurance Company.

One final point before I sit down. I know that I'm taking a long while on this, but there are some important things here, that have to be mentioned. You get into the situation. I've heard that this has happened in other communities in the State. You get into a situation where an attorney represents a Title Insurance Company, and acts as an issuing agent. In other words, he has authority from the company to issue a policy. So that means that he does so either based on his own research of the records at the Registry of Deeds, or on a letter prepared by the attorney representing the borrower.

You can occasionally expect, and I've been told in at least one community this happens, that titles have a way of moving rather quickly through the office of the attorney who acts as the issuing agent, but for an attorney who chooses not to act as issuing agent, but rather simply wants to do the legal work of the Registry and write the letter to the Title Insurance Company, and request the issuance of a policy, that those matters which appear rather large as title problems, when a non-issuing agent contacts the issuing agent don't appear so serious when the issuing agent, himself or herself happens to be the one who is doing the Title Search.

So if you're on one end of the stick, you have the authority to bind the insurance company by issuing the policy. Sometimes title problems don't appear too large, but when you're coming as a supplicant to the office of the issuing agent, who also is an attorney, problems that you don't think are large suddenly loom large and sometimes prevent the speedy issuance of Title Insurance Policies.

I really would appreciate it if the good Senator from Cumberland, could address these problems, because if she doesn't do it here, and this law happens to pass, we are all going to have to answer to our constituents once we get home. It deserves an answer. Mr. President, I hope that the good Senator from Cumberland can favor us with an answer to these questions. Thank you very much.

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

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate. I didn't intend to get involved in this debate, but I just took some real estate courses at the University of Maine at Augusta this winter. I want to outline to you a little bit the way it works up my way. I don't think there are any of these type of arrangements with the banks, and certain law firms up my way. But I know that if I were going to buy a piece of property tomorrow, I would have to go through an attorney, obviously to get the title searched. But don't get the impression that in all cases the attorney is spending long hours sweating over the law books at the Registry of Deeds. In my area there's a man and his employer may be within the sound of my voice, at this moment. There's a very capable man, a very bright man with a high school education, who does the title work, does all the title work, I'll say 90% of the title work for this particular law firm, which also handles a great deal of the title work for the Town of Houlton.

This man is not an attorney. He searches the title and does his usual good job, and there are other law firms in my area which are beginning to get into this business, because the attorneys are just too busy to go to the Registry of Deeds.

So if you go to the Registry of Deeds in Aroostook County, Southern Branch in Houlton, you'll find 5 or 6 people, pouring through the registry files, searching titles. Probably if you went there right now, 3 would be non-attorneys, non pari-legals, no legal training whatsoever. A couple probably would be attorney who have yet to hire these non-attorneys to do their work for them. The facts and figures which are done very well, then go back to the attorney's office and the title is verified and the certificate is presented from the attorney's office.

But don't get the impression that all of these Title Searches are done by attorneys in the various Registry of Deeds. I know a little bit of what I'm talking about. My mother was the Registrar of Deeds. I spent many years sitting outside the door watching who was doing the Title Searching. I would just like to have you keep that in mind when you vote on this particular bill.

The PRESIDENT: Is the Senate Ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Mr. President, and Men and Women of the Senate: I readily admit that my patience is wearing a little bit thin. I would hope that should the good Senator from Penobscot, Senator Devoe, develop more questions prior to the floor debate, that he might extend to me the courtesy of submitting those questions to me in writing. For I find it particularly difficult to not only listen to him, but to write down the questions as he utters them. Then at the same time to maintain my listening habits and also try to search frantically, that is the word, frantically threw my notes from the Committee Hearing, so that I may stand and at least appear reasonably in touch with the questions and reasonably in touch with the thrust of his intent.

The Bill before us represents the concerted efforts of a number of the Members of the Legal Profession in the State, who have come before the Committee on Business Legislation, asking that economic justice be given them. That the closed shops 'sweetheart arrangements' and otherwise anti-competitive practices regarding the practice of Searching Titles in the State of Maine come to an end.

The current policy is unfair. There may even appear to be conflicts of interest prevailing. The forces of the free market place which we have heard seriously and sincerely uttered in this Chamber should also prevail relative to this measure. I am unable to answer all of the questions, that the good Senator from Penobscot, Mr. Devoe, has tendered. I would submit to the Members of this Body that he already knows the answers. That the Members of the Bar are not in agreement with answers that reflect his position.

I do know that the Majority of the Savings Banks in the State of Maine maintain an open-door policy in this regard. There are some notable exceptions geographically. Senator Devoe has alluded to them. They focus keenly in the area of Bangor, Maine, Penobscot County, Farmington, Maine, Franklin County; and Ellsworth, Maine, Hancock County.

In those areas of the State qualified attorneys are denied serving their clients. That is a fact. The statistics and proof are readily available.

The good gentleman from Penobscot, Senator Devoe, has asked us whether 'sufficient liability insurance' refers either to 'lawyers malpractice insurance' which isn't such a bad idea, for lawyers indeed malpractice also, as do all other human beings, at one time or another, or does it require Title Insurance from the mortgagor?

The language of the bill is specific. It says 'may'. If the lending institution questions the validity of the title, and the letter certifying the title that I agree, that Title Insurance may be required, May, not Shall, may! The judgement

is left to the lending institution where it is appropriately placed.

Can attorneys serve both parties? The fact of the matter is they do now. That has been the result of numbers of grievances before the Grievance Committee of the Maine Bar Association. Allen Graves the Vice-President of the Maine Trial Lawyer's Association, Secretary of the Attorneys Cooperative Trust and Member of the Grievance Committee of the Maine Bar Association, states that "grievances frequently surround this area, where an attorney is representing his client as well as working for the bank. What the client frequently does not know is that the first priority is to the bank."

I believe that people seeking funds to purchase their own home, should have an option, an option to choose their own attorney. If that attorney is qualified, and the banking or lending institution questions the qualifications of the validity of the Title Search, then indeed they may require as a condition, Title Insurance, May require!

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I appreciate the exchange that has gone on in the Senate, because if this act should pass, there are going to be some very difficult interpretations of it necessary.

There is one other question that I hope might be addressed. I don't intend to be picking on the Senator from Cumberland, Senator Clark. There are 2 other Senate Members of this Committee who may have some knowledge of what the Committee intent was. I'd be glad to hear from any of them.

My concern is with respect to the possibility that was suggested by the Senator from Aroostook, concerning the searching by non-lawyers. Some of these people we refer to pari-legals. They're not lawyers, but they've had extensive training in the Searching of Records and are able to present that material to lawyers who then pass their legal judgment upon it. I think there's a possibility of interpretation of this law to bar pari-legals from doing Searches at the Registry. I think that would be a great disservice to the consumer because it is one of those procedures that enables the law firm to charge less money for their legal opinion.

If it is not the intent of the committee to bar that kind of activity then if a member of the committee were to say so on the floor, of course, it would become a part of the Legislative History. Then would be helpful in avoiding a very drastic change in the current practice.

On the whole I feel that this Legislation in its present language is dangerous. I have no objections to the purpose that the legislation seeks to serve. I, a long time ago persuaded my bank to have an open policy and the banks that I work for all have open policies, when I am involved in Title Searching activity. I think that's the healthy way. But nonetheless, when the Legislature gets to a point of trying to define who shall and who shall not provide legal services for anyone, whether it's the bank, or an insurance company or an individual. We're on very dangerous ground. I am concerned about the accuracy of the language here.

I would hope simply that if this measure is going to pass, that we would at least clarify the Legislative History meaning of this question I've raised about the use of pari-legals.

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

Senator CHAPMAN: Mr. President and Members of the Senate: In answer to the Senator from Knox, Senator Collins' questions, I can only as a supporter of the Ought Not to Pass Report on this measure, express my opinion on his question of whether or not this measure would bar pari-legals from doing the Title

Search Work.

It would be my opinion from the knowledge of the Members of the Committee that there would have been no intent of the part of the members of the Committee to forbid this sort of activity by pari-legals. So I would feel that the intent of the Committee and those that did support this particular Ought to Pass, as amended position that they were not intending to bar pari-legals assistance.

But I do think the language in the amendment that we have before us which is the bill, creates some concerns in this regard. Because the language does say Search the Title. It doesn't refer to Certifying the Title. I wonder if not the banks when they asked for an attorney to Search the Title, that they do expect a Certification of Title from the attorney? I'm not sure that that's addressed by the language of this Bill. I think it raises some questions that I think the Senator from Aroostook, Senator Carpenter, alluded to.

As I said the other day in my remarks that this was the 6th or 7th amendment. I can't say which, that the Committee had prepared on this Bill. As you notice, the Bill is Number 431, it's a Bill that we had in Committee a long time ago. It stayed in Committee until the very end, in an attempt to address it in some fashion that we could find acceptable. We found it difficult. I don't think anyone in the Committee was against the objective of the Bill, which was try to open up the situation in those 2 or 3 banks, out of all of the banks in the State where there seemed to be a closed situation.

I understand that in the cases in Farmington, there are corrections being made. It's a very few banks. I might point out that I think there is some competition now from new banks in the Bangor area, which in and of itself, I would hope would tend to open up the situation that may exist with some of the long standing Savings Banks in that area.

There are other questions here that I think have been raised. I just would briefly enumerate that this Bill does not address Credit Unions, nor obviously the National Banks. Should the Bill be amended to include them or are we just going to talk about the State Chartered Banks?

The Bill, as the Senator from Cumberland, Senator Clark, pointed out does say that a Financial Institution may require the prospective mortgagor to provide adequate Liability Insurance. The word 'may' is in there. But I submit that if the bank requires one attorney to provide liability insurance, or in one situation where a mortgagor is using one attorney that are requiring title insurance and not in another situation, that you're going to create a host of problems, and cries of unfair and prejudice. So that what the banks are going to do is just avoid that kind of concern and require all attorneys at all closings to be supported by Title Insurance.

There are states in the country that do require Title Insurance. I think Massachusetts is an example where Title Insurance is pretty universal. The costs of closing of a loan in Massachusetts are substantially higher than they are in Maine. I don't think personally that Maine has to join in that situation where our costs are going to increase considerably. In part because of a requirement of Title Insurance and because of the Banking Community having to perhaps review those policies such as the Senator from Penobscot, Senator Devoe, has pointed out, to see if they are containing no unnecessary exclusions that would adversely affect the bank.

The cost of Title Search certainly in my view will not go down, as a result of this. It's been alluded that there might be some competition that would force the attorneys charges down, but I don't think that will be true since I think many of the attorneys that are the primary attorneys in this area, have pretty routine procedures. Their costs are likely to be less than

those who are not used to doing title work in a great many situations.

The other fact that was brought out is that in most cases attorneys are the issuing agents for Title Insurance. I can see a host of problems there, and possibly some Conflicts of Interest. Mr. President, I'm not sure what the motion is before us, if there isn't any, I would like to make a motion that this Bill and all of its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Chair would advise the Senator from Sagadahoc, that his motion is out of order at this point. The pending question is adoption of Committee Amendment "A".

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: Having listened to the debate on this Bill, and being a layman not being an attorney or a banker, and listening to the Senator who just spoke, I would be somewhat concerned, because if this bill is going to require banks to have Title Insurance, even though it's 'may'. If it's going to require banks to have Title Insurance, and that is not required at this time, then figures have been given to me that is not required at this time, then figures have been given to me that the consumer public who wish to purchase a home in the area of \$50,000 would have an additional charge of \$150, that they do not have at this time.

Even though we're opening this up for more attorneys, are we not also going to charge the public a higher cost for a transaction? Because of that I would be against the bill.

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

Senator CLARK: Thank you, Mr. President. Members of the Senate. I will attempt to be very brief. The hour is moving towards lunch time, past lunch time.

This Bill had its Public Hearing on May 1st, 1979. The Committee on business Legislation dealt with it as expeditiously as we have other bills. If something comes from the action and the discussion which has transpired here in this Chamber, maybe it will be this. That those banks who currently employ unfair, unjust, anti-competitive practices will hear the sound of the bell. That those practices will cease and desist, desist!

Whatever happens here today we will have accomplished something, because when similar action occurred in 2 previous Legislatures, then those banks across the State responded, some banks. There are still some banks who are not responding.

I have no premonition that we shall prevail today. In fact, I have a very strong premonition that we shall not, but the record remains intact that there are closed shops, 'sweetheart arrangements' which are to the detriment of the consuming public who ultimately pay the bill anyway. I know of no cases in the history of this State where the costs of Title Insurance or the costs of Title Closing or all the Closing Costs of any arrangement have gone down, for in fact, the opposite has still and consistently occurred.

This is not a lawyer's bill. Although it's interesting that lawyers were the chief proponents and opponents at the public hearing. There were more proponents than there were opponents. Simply because they were lawyers as has been previous instances before the Committee on Judiciary, I did not negate nor disallow, now am I irresponsible to their testimony. They expressed a sincere concern, they are, in effect, being closed out.

We who champion the free market place, who have consistently voted against anything that's anti-competitive should listen carefully to the issues. I would hope that the Prevailing Motion would be supportive.

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

Senator CHAPMAN: Mr. President and Members of the Senate: Very briefly, lest my

opposition to this Bill be misconstrued, I just want to say that I too, wholeheartedly support the remarks of the Senator from Cumberland, Senator Clark, has made in adhering to the practice that exists. I certainly would hope that the message would receive that it is not something that should be continued or that we should tolerate.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Adoption of Committee Amendment "A" to L. D. 431, please rise in their places to be counted.

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

22 Senators having voted in the affirmative, and 3 Senators in the negative, Committee Amendment "A" is Adopted.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: I now move that this Bill and all its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, moves that the Senate Indefinitely Postpone L. D. 431, and all its accompanying papers.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I don't intend to abandon a smoking ship. I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Indefinitely Postponing L. D. 431, 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 19 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

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

Sent down for concurrence.

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

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

Tabled—June 6, 1979 by Senator Chapman of Sagadahoc.

Pending—Consideration.

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

Senator CLARK: Mr. President, I move that the Senate Recede.

The PRESIDENT: The Senator from Cumberland, Senator Clark, moves that the Senate Recede.

Is this the pleasure of the Senate?

The motion Prevailed.

Senator CLARK: Mr. President, I present Senate Amendment "A" under Filing Number S-330 and move it's Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Clark, now offers Senate Amendment "A" to L. D. 1664 and moves it's Adoption.

Senate Amendment "A" (S-330) Read and Adopted.

House Amendment "A" Read.

On motion by Senator Clark of Cumberland, House Amendment "A", Indefinitely Postponed, in non-concurrence.

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

Sent down for concurrence.

Senate At Ease

The Senate called to Order by the President.

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

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, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to Order by the President.

On motion by Senator Collins the Senate voted to remove from the Table:

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

Tabled—Earlier in the Day 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, I now move that we Suspend Joint Rule 19A for the next 15 minutes.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Suspend Joint Rule 19A for 15 minutes.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I now offer the Senate Amendment to the Errors Bill under Filing S-328, which you'll find in your Senate Book of Amendments, and would speak to my motion.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to L. D. 1639 and moves it's Adoption.

Senate Amendment "B" (S-328) Read.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: Mr. President, I would call the attention of the Senate to simply 3 or 4 items in this Committee Amendment. Everything in the Errors Bill has received the scrutiny of the Judiciary Committee. Those items that appear in this Committee Amendment are ones that were accepted by the Committee. The 3 or 4 items that I call to your attention are the ones that were adopted by divided votes.

The first one is Section 13. I beg your pardon. That was not a divided vote, but it exempts from the Non-profit Corporation Act all Religious Corporations.

When we enacted that law in the 108th Legislature, we intended to do that, but the language did not pick up certain types of Religious Corporations. We conferred with both the House and Senate Chairman who guided that Bill in the 108th. It was agreed that this was the intent of the law.

The next item is found in Sections 19, 20, 21, 21A, in which we conform the Probate Unclaimed Shares Law to the Abandoned Property Act. The 108th Legislature in adopting an Abandoned Property Act we believe, intended to limit the different way of disposing of unclaimed property of one particular technique.

Rather than have counties, municipalities, the State has different rules for each involved, this will throw the unclaimed shares of estates into the same category with other abandoned property.

The next item is Sections 33 and 34, which is a permissive provision about the Town of Eagle Lake providing fire protection to the adjoining township. It does not involve any expenditures of money, as corrected by the Committee.

Section 64 permits the transfer by the University of Maine of 20 feet of land to a cemetery in Fort Kent. This comes into this bill partly because the Judiciary Committee earlier in the session, recommended a Bill that would

permit the University of Maine to sell real estate in a different manner than in the past. That Bill now lies on the House Unassigned Table, and is scheduled for Indefinite Postponement, because it was discovered afterward that that law would violate a provision of the Basic Charter of the University under the Land Grant Colleges Law. That would have taken care of the cemetery at Fort Kent, had it not been discovered that it was illegal. So we now present to you this small item in this bill.

I think that's all that I need to call to your attention, but there will be time overnight for you to give this further scrutiny. I would now move the adoption of this Senate Amendment.

Senate Amendment "B" Adopted.

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

(Off Record Remarks)

The Chair laid before the Senate:

Bill, "An Act to Reestablish the Boundary Line Between Winslow and China." (H. P. 834) (L. D. 1031)

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

Pending—Consideration.

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

Senator SHUTE: I move to Adhere.

The PRESIDENT: The Senator from Waldo, Senator Shute moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I request the Yeas and Nays.

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

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

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

Senator CONLEY: Mr. President, it's my understanding that the Joint Standing Committee on Transportation is presently meeting.

The PRESIDENT: The Chair was unaware of this fact.

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

The Chair laid before the Senate:

HOUSE REPORTS — from the Committee on Fisheries and Wildlife — Bill, "An Act to Increase Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs." (H. P. 1373) (L. D. 1600) Majority Report — Ought to Pass in New Draft under same Title (H. P. 1484) — Ought to Pass in Minority Report — Ought Not to Pass.

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

Pending—Acceptance of Report.

On motion by Senator Katz of Kennebec, Retailed for 1 Legislative Day.

The Chair laid before the Senate:

HOUSE REPORT — from the Committee on Local and County Government — Bill, "An Act to Establish Self-governing Provisions for Cumberland County." (H. P. 609) (L. D. 637) Leave to Withdraw.

Tabled—Earlier in the Day by Senator Conley of Cumberland.

Pending—Acceptance of Report.

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

Senator CLARK: Mr. President, I move that

we substitute the Bill for the Report.

The PRESIDENT: The Senator from Cumberland, Senator Clark, moves that the Senate substitute the Bill for the Report.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I would oppose the motion and request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President and Members of the Senate: I've never done this before, but as a member of the Cumberland County Delegation, I have been, I think the word is 'requested', 'asked' or 'fingered,' I don't really know, to attempt this move.

Cumberland County, under the auspices of the gentlewoman from Brunswick, Representative Bachrach, and her cosponsors introduced L. D. 657 to the 109th Legislature in the hope of reorganizing Cumberland County Government. While I understand the Committee on Local and County Government reported this out with a Leave to Withdraw, probably had they known that the delegation was going to attempt this, they might even have given it a unanimous Ought Not to Pass Report. I understand those procedures quite nicely, having served 7 years in this Maine Legislature.

However, the Cumberland County delegation is particularly interested in addressing the concerns, disatisfactions, frustrations with Cumberland County Government as it exists today. We have before us and has been distributed this morning an amendment, Senate Amendment, "A" to L. D. 637, under Filing Number S-327, which addresses the concerns and represents almost 100% unanimity among the Cumberland County delegation.

First of all, it establishes self-governing provisions for Cumberland County. It creates as a policy-making and budget setting body of the County, as 7 Member Board of Commissioners consisting of 6 Members from 6 Districts which responds to the desires and needs of the rural communities in Cumberland County, as opposed to the existing 3 districts. They each have staggered 4 year terms. There's also 1 member at large, which will probably, as has been the case in the past give the urban communities 1 additional Commissioner.

It requires the appointment of a County Administrator, and the appointment of a County Finance Board made up of 1 member for each town for a total of 25 members. Requires appointment of a Human Service Board to make recommendations to the Finance Board. The Finance Board, as I've mentioned will be local administrators which represents that facet of local control which we find so glaringly omitted from Cumberland County today.

It requires that the Commissioners provide clerical assistance to these committees. It states that the commissioners will receive the recommendations of the Finance Board before presenting the budget in public hearing. It further provides the final adoption of the budget by the Board of County Commissioners after the public hearing. This to be done after adoption after any amendment in a public meeting!

It reduces the salaries of the commissioners as there will be 7 of them to \$1,500, that change incorporated in Senate Amendment "A". They will have the aid of an administrator so naturally they won't have to work so hard. It allows the administrator to serve as County Clerk and/or Treasurer, if appointed by the Commissioners.

It further provides that the Board of the Commissioners shall appoint the Treasurer and Registry of Deeds and limits the power of the County to powers already in effect and services contracted for by municipalities under Section 63.

The salaries that are presently paid to the County Commissioners in Cumberland County

total around \$19,000. At least that will be the total with 7 Commissioners. As I mentioned their salaries have been amended down to \$1,500.

The salary of the administrator would indeed be additional. It is recognized that that would be indeed in addition to the Cumberland County Budget, but it certainly won't reflect the rather large additions which are consistently made by the Legislative Delegation in certain parts of the budget.

We also must remember that the administrator serves as a Clerk as well as a Treasurer. Part of this could be offset by delineation or decreasing the duties and salaries of those officers.

The amendment that I have alluded to adds language to provide for reapportionment and filling vacancies and provides for written notice in newspapers of proposed total budget and increases and decreases in the budget. The proposed change would be voted on in a referendum vote, by the Cumberland County citizens.

Again the Cumberland County delegation is not intentionally flying in the face of the sentiment of the Committee on Local and County Government. It is not the intention of the delegation to appear discourteous. It is simply a sentiment which has been developing with the frustrations which continually exist in the County.

County reorganization has met with defeat consistently for the past 7 years. The issue has always been presented as a state-wide measure. This year 3 counties presented reorganization proposals. Androscoggin, Penobscot, and Cumberland. None of those bills received favorable reports but the people who compromise the Cumberland County delegation would seek to establish or initiate a pilot program to see in fact, if the citizens of Cumberland County are willing to undertake this, because it's the citizens and the municipal officials in Cumberland County who make legislators lives so difficult indeed during those times when County Budgets are presented to the Legislative Delegation, as we all very well know.

I realize that it's late in the session. I apologize for taking the time of the Senate this afternoon. I can understand the motion of the good Senator from Kennebec, Senator Katz, in opposing the motion to replace the Bill with the Report. I have not lobbied members outside the Cumberland County delegation, nor apprised them of my intention, even though they obviously full well know.

If the members of the Local and County Government Committee, who serve in this Senate Chamber, are offended by my actions, I hope that you would please accept my most sincere apologies, for that is not my intention, to undermine the Legislative Process. It's just that the Cumberland County Delegation has met twice. We have all received notice of those meetings. Some of us have not been able to attend each and every meeting, but this is the will of the County delegation in this 109th Legislature. I have been selected to be their spokes person in this effort. Whether I shall prevail or not. We shall see shortly. I thank you for your patience.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion to substitute the Bill for the Report, please rise in their places to be counted.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, 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 Sen-

ators 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 Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I perhaps don't think it's quite fair to allow this Bill to go down to defeat without at least first congratulating the good Senator from Cumberland, Senator Clark for her very fine presentation.

Secondly, it reminds me of a few years ago, back in this Chamber, when the good Senator from Kennebec, Senator Katz, sat in exactly the same, well I can't recall if it was the same chair, but it was certainly the same position, when another bill was going back to a larger community in Cumberland County for referendum. He moved the Indefinite Postponement of that bill.

You've seen before you today an expression of the Cumberland County delegation, requesting that this Bill go back to the voters, for the voters of Cumberland County to decide on its merits. It has received very high editorial praise in the Gannett Press, since its introduction in to the Legislature. Again I would only ask you to allow the voters of Cumberland County to decide whether or not this is a good Bill or not.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Clark, that the Senate Substitute the Bill for the Report on L. D. 637.

A Yes vote will be in favor of Substituting the Bill for the Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Clark, Conley, Farley, Gill, Huber, Minkowsky, Najarian, O'Leary, Pray, Trafton.

NAY — Ault, Chapman, Collins, Cote, Devoe, Emerson, Hichens, Katz, Lovell, McBreaity, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trotzky.

ABSENT — Danton, Martin, Usher.

A Roll Call was had.

11 Senators having voted in the affirmative, and 18 Senators in the negative, with 3 Senators being absent, the Motion to Substitute the Bill for the Report does not prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby the Bill was not Substituted for the 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.

Which Reports was Accepted, in concurrence.

On motion by Senator Katz of Kennebec, the Senate voted to take from the table:

Bill, "An Act to Reestablish the Boundary Line between Winslow and China." (H. P. 834) (L. D. 1031), tabled earlier in today's session, pending Consideration.

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 Aroostook, Senator McBreaity.

Senator McBREAITY: I'm a little lost, but is it time to pair?

The PRESIDENT: The Chair would answer in the affirmative.

Senator McBREAITY: I'd like to pair my vote with Senator Martin. If he were here, he would vote No, and I would vote Yes.

The PRESIDENT: The Senator from Aroostook, Senator McBreaity, requests Leave of the Senate to pair his vote with the Senator from Aroostook, Senator Martin, who if he were here would be voting Nay and the Senator from Aroostook, Senator McBreaity, would be voting Yea.

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

It is a vote.

The pending question before the Senate is the Motion by the Senator from Waldo, Senator Shute, that the Senate Adhere.

A Yes vote will be in favor of Adhering.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT — Danton.

PAIRED — Martin-McBreaity.

A Roll Call was had.

15 Senators having voted in the affirmative, and 14 Senators in the negative, with 2 Senators having paired their votes, and 1 being absent, the Motion to Adhere does prevail.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I move Reconsideration.

The PRESIDENT: The Senator from Waldo, Senator Shute, moves the Senate reconsider its action whereby it voted to Adhere on L. D. 1031.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not prevail.

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

Papers From the House

Non-concurrent Matter

JOINT ORDER Relative to Joint Standing Committee on Taxation reporting out a Bill increasing the gasoline tax by 2¢. (S. P. 614)

In the Senate June 6, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

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

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

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves 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 Dental Health. (S. P. 330) (L. D. 964)

In the Senate Passed to be Engrossed as amended by Committee Amendment "A" (S-291).

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

The PRESIDENT: The Chair recognizes the

Senator from Knox, Senator Collins.

Senator COLLINS: I move the Senate Insist and Ask for a Committee of Conference.

The PRESIDENT: The Senator from Knox, Senator Collins, moves the Senate Insist and Ask for a Committee of Conference.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: I move the Senate Recede and Concur.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division and ask you to vote no on this.

The PRESIDENT: A Division has been requested.

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.

11 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 Insist and Ask for a Committee of Conference with the House?

The Motion Prevailed.

Non-concurrent Matter

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

In the Senate June 6, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "B" (H-683), in non-concurrence.

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

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

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

Is this the pleasure of the House?

The Motion Prevailed.

Communications

June 6, 1979

Members of the 109th Legislature
State Capitol Building
Augusta, Maine 04333
Dear Members:

We are pleased to forward to you the 1978 Annual Report of the Maine State Housing Authority which describes our efforts and accomplishments during the past year. We hope you enjoy it.

Sincerely yours,
GENEVIEVE K. GELDER
Director

Which was Read and with accompanying papers Ordered Placed on File.

HOUSE OF REPRESENTATIVES

June 7, 1979

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

The House today voted to Adhere to its former action whereby it accepted the Minority "Ought Not to Pass" Report of the Committee on Labor on RESOLVE, to Reimburse Norman M. Curtis for Financial Loss Due to a Legislative Oversight (S. P. 412) (L. D. 1268)

Respectfully,
EDWIN H. PERT
Clerk of the House
Which was Read and Ordered Placed on File.

Order

An Expression of Legislative Sentiment recognizing that: the Westbrook High School Girls' Track Team has won the State Class "A" Girls' Track Championship for 1979. . . . (S. P. 615) is presented by Senator Usher of Cumberland, cosponsored by Representative Laffin of Westbrook and Representative Carrier of Westbrook.

Which was Read and Passed.
Sent down for concurrence.

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

Communication

COMMITTEE ON JUDICIARY

June 7, 1979

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Edwin R. Smith to the position of Active-Retired Judge of the District Court.

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

YEAS: Senators 2

Representatives 7

NAYS: Senators 0

Representatives 0

ABSENT: Senators 1 — Senator Devoe

Representatives 3 — Reps. Carrier, Joyce & Stetson.

9 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Edwin R. Smith to the position of Active-Retired Judge of the District Court be confirmed.

Sincerely,
SAMUEL W. COLLINS
Senate Chairman
BARRY J. HOBBINS
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Edwin R. Smith be confirmed.

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

YEA—None

NAY—Ault, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT—Carpenter, Danton, Martin.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Edwin R. Smith is confirmed.

Enactors

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

An Act to Appropriate Money to the Northeastern Research Foundation, Inc. (S. P. 170) (L. D. 377)

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

An Act Requiring Certain Consumer Agreements to be Written so that they are Readable and Understandable. (H. P. 1427) (L. D. 1634)

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

An Act to Reclassify Certain Surface Waters and Revise Water Quality Standards. (S. P. 337) (L. D. 998)

Which 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 Amend the Unit Ownership Act. (S. P. 429) (L. D. 1377)

Emergency

An Act to Extend the Territory of the Gardiner Water District and to Enlarge the Board of Trustees. (H. P. 1461) (L. D. 1653)

Emergency

An Act Creating the Cornish Water District. (H. P. 1457) (L. D. 1650)

Emergency

An Act to Revise the Charter of the Richmond Utilities District. (S. P. 587) (L. D. 1654)

These being emergency measures and having received the affirmative votes of 28 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, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (H. P. 764) (L. D. 972)

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

Emergency

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1979. (H. P. 1460) (L. D. 1652)

This being an emergency measure and having received the affirmative vote of 27 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:

Joint Orders

Expressions of Legislative Sentiment recognizing that:

June 28, 1979 marks Acadian Day in Madawaska and the St. John Valley, and the 375th anniversary of the arrival of the Acadians in North America, the events of which will be celebrated with festivities from June 23rd to July 1st, 1979... (H. P. 1507)

Katherine Bachelder, of Hallowell, is a National Merit Scholar and the Valedictorian of the Class of 1979 at Hall-Dale High School... (H. P. 1508)

The St. Thomas Aquinas Church of Madawaska is celebrating its Golden Jubilee in the year 1979, marking its 50th anniversary... (H. P. 1506)

Betty Benoit of Bangor High School is Senior Essayist of the class of 1979... (H. P. 1505)

Jason Goodfriend of Bangor High School is Senior Essayist of the class of 1979... (H. P. 1504)

July 7, 1979, marks the 70th Wedding Anniversary of Willie and Marguerite Goldthwait Church of Biddeford... (H. P. 1503)

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

Committee Reports House

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Seed Money to Expand the Provision of Summer Residential Experiences for Maine Children." (H. P. 1052) (L. D. 1303)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Permit Priority Social Services Program Money to be Used as Matching Funds for Federal Money." (H. P. 1235) (L. D. 1501)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Appropriating Funds for Certain Municipal Governments." (H. P. 792) (L. D. 991)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide for Environmental Education." (H. P. 1182) (L. D. 1434)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H. 676).

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Expand the Tourism Promotion Program." (H. P. 1386) (L. D. 1609)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H. 677).

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

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

Committee Amendments "A" were Read and Adopted, in concurrence.

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

Enactors

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

An Act to Provide Partial Reimbursement to Municipalities for Revenue Loss due to Property Tax Exemptions on State and County Property. (H. P. 849) (L. D. 1049)

An Act to Exempt Nonprofit Medical Centers from Maine Sales Tax. (H. P. 289) (L. D. 365)

An Act Concerning the Rate of Return on the Investment Factor under the Railroad Excise Tax. (H. P. 530) (L. D. 651)

An Act to Remove the Town of Medford from the Maine Forestry District. (H. P. 17) (L. D. 34)

An Act to Exempt Certain Bulk Feed Bodies from the Sales Tax. (H. P. 573) (L. D. 721)

An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District.

(H. P. 1309) (L. D. 1563)

An Act to Exempt Purchased Meals for the Elderly Meals Program from the State Sales and Use Tax. (H. P. 357) (L. D. 452)

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

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

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

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

An Act to Permit the Maine State Housing Authority to Issue Certain Bonds not Backed by the Moral Obligation of the State and to Raise the Authority's Bonding Limit. (S. P. 585) (L. D. 1648)

An Act to Amend the Laws Relating to School Attendance. (H. P. 1479) (L. D. 1666)

An Act to Adopt the Uniform Child Custody Jurisdiction Act. (H. P. 1456) (L. D. 1649)

An Act to Encourage the Use of Solid Waste as a Fuel Source. (H. P. 921) (L. D. 1163)

An Act to Clarify the Manner of Disposing of Abandoned Property in the Hands of State Institutions. (H. P. 1471) (L. D. 1659)

Which 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 Amend the Salary Range for the Insurance Superintendent. (H. P. 1421) (L. D. 1624)

This being an emergency measure and having received the affirmative votes of 27 Members of the Senate, with 2 Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Senator Huber of Cumberland, the Senate voted to take from the Special Appropriations Table:

Bill, "An Act to Require that all Public Employees be Paid at least a Federal Minimum Wage" (H. P. 435) (L. D. 552).

On motion by Senator Huber of Cumberland, the Senate voted to Suspend it's Rules.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider it's action whereby L. D. 552 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider it's action whereby it Adopted Committee Amendment "A".

Senator HUBER: I now present Senate Amendment "B" to Committee Amendment "A" and move it's Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "B" to Committee Amendment "A" and moves it's Adoption.

Senate Amendment "B" (S-329) Read and Adopted.

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

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

Sent down for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to take from the Special Appropriations Table:

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

On motion by Senator Emerson of Penobscot, placed on the Special Highways Appropriation Table, pending Enactment.

On motion by Senator Pierce of Kennebec, Adjourned until 8:30 o'clock tomorrow morning.