

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Ninth***

***Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 2 to April 3, 1980**

**THIRD SPECIAL SESSION**

**May 22, 1980**

**THIRD CONFIRMATION SESSION**

**July 17, 1980**

**FOURTH CONFIRMATION SESSION**

**July 24, 1980**

**FIFTH CONFIRMATION SESSION**

**September 12, 1980**

**REPORT, HEARING TRANSCRIPT AND  
RELATED MEMORANDA OF THE JOINT  
SELECT COMMITTEE ON INDIAN LAND  
CLAIMS**

STATE OF MAINE  
One Hundred and Ninth Legislature  
Second Regular Session  
JOURNAL OF THE SENATE  
January 24, 1980  
Senate called to order by the Secretary.

The SECRETARY: Is it the pleasure of the Senate that the Senator from Kennebec, Senator Pierce, preside as President pro tem?

It is a vote.

The Secretary would ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Pierce, to the rostrum, to assume the duties of President pro tem.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Pierce to the rostrum, where he acted as President pro tem.

Prayer by the Rev. Thomas W. Cahill of Oakland.

Reverend CAHILL: Our Father we enter into your presence this morning hour with thanks for your goodness and your mercy. We pray that you will be with each of us here in this Chamber today. Be with each one of the Senators as they would deliberate over the issues that are before them.

May there be a fresh sense of your presence presiding over the affairs, not only of this Senate, but over the affairs of our lives.

We pray that you will grace and courage and wisdom and understanding to each. Especially this day Lord, we pray for your wisdom in days of pressure, and in days that many times are unsettled for us.

We will give you the thanks and the praise in the name of Christ our Lord. Amen.

Reading of the Journal of yesterday.

**Papers from the House**  
**Joint Resolution**

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Hon. William O. Douglas, retired Supreme Court Justice. (H. P. 1743)

Comes from the House, Read and Adopted.  
Which was Read and Adopted, in concurrence.

**House Papers**

Bill, "An Act to Declare the Right of the Public to Attend Judicial Proceedings." (H. P. 1728) (L. D. 1847)

Comes from the House, referred to the Committee on Judiciary and Ordered Printed.

Which was referred to the Committee on Judiciary and Ordered Printed in concurrence.

Bill, "An Act to Require Fire Warning Equipment in all Residential Dwellings." (H. P. 1729) (L. D. 1848)

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

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

Bill, "An Act Relating to Plumbing Permits and Waivers for Septic Systems under Certain Conditions." (H. P. 1727) (L. D. 1846)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed in concurrence.

**Study Report — Judiciary**

The Committee on Judiciary to which was referred the study relative to the reorganization of the District and Superior Courts and the Judicial Retirement System, pursuant to Joint Order (H. P. 1567) have had the same under consideration, and ask leave to submit its findings and to report that the accompanying bill

"An Act to Expedite Criminal Trials and to Provide for the Election of Jury Trials" (H. P. 1733) (L. D. 1849) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted, and the Bill referred to the Committee on Judiciary.

Which Report was Read and Accepted, in concurrence, and the Bill referred to the Committee on Judiciary, in concurrence.

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

Senator CONLEY: Mr. President, I'd like to pose a question through the Chair to the distinguished Senator from Rockland, Senator Collins, with respect to Study Report — Judiciary pursuant to Joint Order (H. P. 1567).

In noticing the item it says "The Committee on Judiciary to which was referred the study relative to the reorganization of the District and Superior Court and the Judicial Retirement System, pursuant to Joint Order (H. P. 1567) have had the same under consideration and leave to submit its findings and to report the accompanying bill. The accompanying bill title seems to be altogether different as to what the Study Order was about. I wonder if the good Senator could inform me as to what this is all about?"

The PRESIDENT pro tem: The Senator from Cumberland, Senator Conley, has posed a question through the Chair, to the Senator from Knox, Senator Collins, who may answer if he so wishes.

Senator COLLINS: Mr. President, and Members of the Senate. This study came about as a result of a bill submitted last May by the Governor, which had as its principle purpose the elimination of two trials in many cases that clog our courts.

The study, that was conducted during the interim period and briefly at the beginning of January, resulted in a decision in which the Governor and the committee of the Judicial Department, and the Judiciary Committee concurred, to use as its mechanism in restructuring the courts a change in the system of requesting jury trials.

Thus, the purpose of the original Governor's bill and the study is carried out in the bill that is presented here, although the title which appears is somewhat more specific in its nature than the original study indication. I can assure the good Senator that it is the combined judgment of those who worked with it that this is carrying out the very purpose that was indicated in the original study.

**Communication**  
**ATLANTIC SEA RUN SALMON**  
**COMMISSION**  
Bangor

January 7, 1980

Honorable Joseph Sewall,  
President of the Maine Senate  
and

Honorable John L. Martin,  
Speaker of the Maine House of Representatives  
Augusta, Maine

Dear President Sewall and Speaker Martin:  
As requested in Legislative Resolves, Chapter 55 (1977), we the undersigned are pleased to submit the following as our annual report on the status of fish passage construction in the Augusta dam.

Since submission of the last report we have received a verbal commitment from the Attorney General's office approving the use of the appropriated funds for engineering studies and design work. As a followup, the Attorney General's office is preparing a letter for submission to the Federal Energy Regulatory Commission (FERC) requesting a reopening of the license on the Augusta dam, to consider the construction of a fishway.

Should you or your associates require additional information we would be pleased to meet with you at your convenience.

Respectfully submitted,  
GLENN H. MANUEL, Chairman  
Atlantic Sea Run Salmon  
Commission and,  
Commissioner, Department  
Inland Fisheries & Wildlife  
SPENCER APOLLONIO, Commissioner  
Department of Marine Resources  
and member, Atlantic Sea-Run  
Salmon Commission  
(H. P. 1744)

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File, in concurrence.

**Senate Papers**

Senator Pray of Penobscot (Cosponsors: Senator Martin of Aroostook, Senator Carpenter of Aroostook and Senator Silverman of Washington) presented,

Bill, "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981, to the Department of the Attorney General for the Defense of Land Claims Asserted by the Passamaquoddy Tribe and the Penobscot Nation." (Emergency) (SP 719)

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

Sent down for concurrence.

Senator Silverman of Washington presented, Bill, "An Act to Allow School Districts to Account for Federally-subsidized Pupils as Residents of the District and not of the Municipality in which they reside." (S. P. 720)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Senator Conley of Cumberland (Cosponsors: Senator Najarian of Cumberland, Senator Gill of Cumberland and Senator Usher of Cumberland) presented,

Bill, "An Act to Develop Elderly Congregate Housing in Maine." (S. P. 724)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Senator Conley of Cumberland presented, Bill, "An Act to Amend the Procedure for Appointment of Guardians and Conservators under the Maine Probate Code." (S. P. 721)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Senator O'Leary of Oxford presented, Bill, "An Act Creating the Rangeley Water District." (Emergency) (SP 722)

(Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Senator Danton of York presented, Bill, "An Act to Clarify Procedure in Freight Rate Proceedings Before the Public Utilities Commission Involving Railroads and Water Common Carriers." (SP 723)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

**Orders**

An Expression of Legislative Sentiment rec-

ognizing that:

Mr. and Mrs. Harry R. Beatty of Portland, will celebrate their 50th wedding anniversary on January 27, 1980...

(SP 725)

is presented by Senator Conley of Cumberland. (Cosponsor: Senator Najarian of Cumberland)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Senator Pray of Penobscot, ORDERED, the House concurring, that the Joint Standing Committee on Taxation report out a bill removing Allagash Plantation, E Plantation, Garfield Plantation, Glenwood Plantation, Hammond Plantation, Macwahoc Plantation, Nashville Plantation, Oxbow Plantation, Reed Plantation, Wallagrass Plantation, Westmanland Plantation, Winterville Plantation, Coplin Plantation, Dallas Plantation, Rangeley Plantation, Sandy River Plantation, Osborn Plantation, No. 33 Plantation, Lincoln Plantation, Magalloway Plantation, Drew Plantation, Grand Falls Plantation, Lakeville Plantation, Sebobeis Plantation, Webster Plantation, Bowerbank, Barnard Plantation, Elliottsville Plantation, Moscow, Brighton Plantation, Caratunk Plantation, Kingbury Plantation, Lakeview Plantation, Dennistown Plantation, Highland Plantation, Pleasant Ridge Plantation, The Forks Plantation, West Forks Plantation, Beddington, Centerville, Cooper, Crawford, Deblois, Northfield, Topsfield, Wesley, Baring Plantation, Codyville Plantation, Grand Lake Stream Plantation, No. 14 Plantation and No. 21 Plantation, from the Maine Forestry District.

(SP 726)

Which was Read.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Passage.

#### Committee Reports

##### House

##### Ought to Pass

The Committee on State Government on, Bill, "An Act Revising the Maine Capital Corporation." (H. P. 1616) (L. D. 1726)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-751).

The Committee on Transportation on, Bill, "An Act Relating to Enforcement of the Truck Weight Requirements Under the Motor Vehicle Laws." (H. P. 1628) (L. D. 1738)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-750).

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

##### Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Increase the Amount which the District Court is Allowed to Deposit into the District Court Building Fund from \$3,000 per month to \$120,000 Per Year." (H. P. 1640) (L. D. 1749)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-748)

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

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

##### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Require that Chil-

dren who are under 15 Years of Age Wear Helmets when they are Passengers on Motorcycles." (H. P. 1590) (L. D. 1700)

Report that the same Ought to Pass.

Signed:

Senators:

EMERSON of Penobscot  
O'LEARY of Oxford

Representatives:

HUTCHINGS of Lincolnville  
McKEANE of Limestone  
STROUT of Corinth  
JACQUES of Lewiston  
ELIAS of Madison

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

Signed:

Senators:

USHER of Cumberland

Representatives:

BROWN of Mexico  
HUNTER of Benton  
McPHERSON of Eliot  
LOUGEE of Island Falls  
CARROLL of Limerick

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

Which Reports was Read.

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

Senator EMERSON: I move we accept the Majority Ought Not To Pass Report.

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

Senator USHER: Mr. President, I oppose the pending motion, and ask that we accept the Ought To Pass Report, and I would like to speak to my motion.

The PRESIDENT Pro Tem: The pending motion before the body is acceptance of the Ought Not To Pass Report. You may speak to that motion.

Senator USHER: Thank you Mr. President. Mr. President, and Members of the Senate, some people are commenting that we are getting too involved, starting to tell the youngsters what to do.

When you stop and think under 15 years of age, you don't have too much responsibility. I'm sure we've all throughout our districts have seen episodes of motorcycles going down the street where the operator might be having a helmet, picked up a rider, and on the back, he might be 12 years old or even younger, without a helmet.

The people comment. Why don't somebody do something about this? It makes you feel irresponsible too. I have seen this in many cases.

We have a large populated area. We have many, many motorcycles, I'm sure all of you have many motorcycles in your area, due to the gas crisis. I too supported the repeal of the helmet law in the last session, but since then a lot of things have happened. Many, many people have contacted me about supporting this helmet law for the minors.

There were a large group that attended the committee hearing. The motorcycle clubs. Many saw it on the educational T. V. the Channel 10 episode of the hearing. Some of the Motorcycle operators said they wouldn't even let their sons ride with a helmet on. They claim it's dangerous.

Well, I don't agree with them. I just feel that we should take some responsibility and pass this law.

The Department of Transportation is conducting an on-going survey. Since repeal of the statutes which requires the use of helmets, which was taken out at the last session, it has been determined that 1 out of 3 motorcycle operators do not use helmets and 3 out of 4 or those killed in motorcycle accidents were operating without helmets.

Between January 1, 1978 and September 30, 1979, there were a total of 1,992 motorcycle

crashes in Maine. A total of 51 people were killed, 1,701 were injured in these accidents, which is very costly to the families and also to the State. This is where we are involved.

On the total number of operators involved in motorcycle accidents, 8% were not wearing helmets. In addition, 7% of the passengers were not wearing helmets. Of the age limits, 1, was in the 15 and under category. I think that is enough right there, 1, also, 1,701 were injured. That is enough to vote too.

So I think it's a very serious matter. It's going to be very costly. It's costly to the families like I said before. I think this is the time we ought to be responsible and support this bill. I oppose the pending motion to accept the Majority Report.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending the Motion by Senator Emerson of Penobscot.

#### Senate

##### Ought to Pass — As Amended

Senator Emerson for the Committee on Local and County Government on, Bill, "An Act to Establish the Boundary between Rockport and Rockland." (S. P. 658) (L. D. 1698)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-401).

Which Report was Read.

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

Senator Collins for the Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority." (Emergency) (S. P. 657) (L. D. 1696)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-402).

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

#### Second Readers

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

##### House

Bill, "An Act to Amend the Law Regarding the Issuance of Registration Permits under the Motor Vehicle Laws." (H. P. 1629) (L. D. 1739)

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

##### House — As Amended

Bill, "An Act to Make Corrections in the Law with Respect to Bridgton Academy, Gould Academy and North Yarmouth Academy." (H. P. 1597) (L. D. 1708)

Bill, "An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders." (H. P. 1620) (L. D. 1730)

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

Under Suspension of the Rules, on Motion by Senator Conley of Cumberland, there being no objections, all items previously acted upon were sent forthwith for concurrence.

#### Enactor

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

##### Emergency

An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by the Town Council of the Town of Orono. (S. P. 652) (L. D. 1699)

This being an emergency measure and having received the affirmative votes of 23 Members of the Senate, with No 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.

#### Orders of the Day

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

#### Papers from the House House Papers

Bill, "An Act to Amend the Fair Credit Reporting Act." (H. P. 1734) (L. D. 1852)

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which was referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, "An Act to Allow Counties to Participate in the Solid Waste Management Subsidy." (H. P. 1735) (L. D. 1853)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

Bill, "An Act Pertaining to the Time for Recording a Tax Lien Mortgage." (H. P. 1736) (L. D. 1854)

Reference to the Committee on Local and County Government is suggested.

Comes from the House, referred to the Committee on Taxation and Ordered Printed.

Which was referred to the Committee on Taxation and Ordered Printed, in concurrence.

Bill, "An Act Providing for the Election of a Deputy Moderator at Town Meetings." (H. P. 1737) (L. D. 1855)

Bill, "An Act Pertaining to the Abandonment of Public Ways." (H. P. 1738) (L. D. 1856)

Comes from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act to Permit the Public Utilities Commission to Include in the Fuel Adjustment Clause Capacity Purchases from Small Power Producers and Cogenerators." (H. P. 1739) (L. D. 1857)

Bill, "An Act Requiring Public Utilities Commission Approval for the Purchase of Portions of Electrical Generating Facilities by Electrical Companies." (H. P. 1741) (L. D. 1859)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

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

Senator PERKINS: Mr. President, I move that L. D. 1857 and L. D. 1859 be Tabled.

The PRESIDENT Pro Tem: The Senator from Hancock, Senator Perkins, moves the L. D. 1857 and L. D. 1859 be Tabled.

Is this the pleasure of the Senate?

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

Bill, "An Act Amending the Charter of the York Sewer District." (H. P. 1740) (L. D. 1858)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which was referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Lands in the Unorganized Territory. (H. P. 1742) (L. D. 1860)

Comes from the House, referred to the Committee on State Government and Ordered

Printed.

Which was referred to the Committee on State Government and Ordered Printed, in concurrence.

#### Orders of the Day

The PRESIDENT Pro Tem: The Chair laid before the Senate, Bill, "An Act to Permit the Public Utilities Commission to Include in the Fuel Adjustment Clause Capacity Purchases from Small Power Producers and Cogenerators." (H. P. 1739) (L. D. 1857) tabled earlier in today's session.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

Senator PERKINS: I'd ask for a Division on the motion.

The PRESIDENT Pro Tem: A Division has been requested.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request a Roll Call.

The PRESIDENT Pro Tem: 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 L. D. 1857 be Tabled for 1 Legislative Day.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

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

NAY — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Lovell, McBrearty, Perkins, Pierce, Sutton, Teague, Trotzky.

ABSENT — Clark, Katz, Redmond, Shute, Trafton, Sewall.

12 Senators having voted in the affirmative and 15 Senators in the negative, with 6 Senators being absent, the Motion to Table L. D. 1857 for 1 Legislative Day does not prevail.

On Motion by Senator Perkins of Hancock, Tabled pending Reference.

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

Senator CONLEY: Mr. President, I believe if you are to be the presiding officer that you'll extend the courtesy to me as the Minority Floorleader to be recognized when I address the Chair.

The PRESIDENT Pro Tem: Senator Conley, that courtesy will always be extended to you.

The PRESIDENT Pro Tem: The Chair laid before the Senate: Bill, "An Act Requiring Public Utilities Commission Approval for the Purchase of Portions of Electrical Generating Facilities by Electrical Companies." (H. P. 1741) (L. D. 1859) tabled earlier in today's session.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT Pro Tem: The Senator from Cumberland, Senator Conley moves that L. D. 1859 be Tabled for 1 Legislative Day.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I would ask for a Division.

The PRESIDENT Pro Tem: 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.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Roll Call.

The PRESIDENT Pro Tem: 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.

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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 L. D. 1859 be Tabled for 1 Legislative Day.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Conley, Cote, Danton, Farley, Martin, Najarian, O'Leary, Pray, Silverman, Usher.

NAY — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Lovell, McBrearty, Perkins, Pierce, Sutton, Teague, Trotzky.

ABSENT — Clark, Katz, Minkowsky, Redmond, Shute, Trafton, Sewall.

11 Senators having voted in the affirmative, and 15 Senators in the negative with 7 Senators being absent, the Motion to Table L. D. 1859 for 1 Legislative Day does not prevail.

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

Senator CONLEY: Mr. President, it's my understanding that there is no motion pending before the Senate, therefore, this item is debatable.

The PRESIDENT Pro Tem: The Chair would answer in the affirmative.

Senator CONLEY: I wonder if the good Senator, Mr. President, the good Senator from Hancock, Senator Perkins, might relate to the Senate, the Members of this Body, as to why these two items have been placed on the table, or are being placed on the table Unassigned?

On Motion by Senator Perkins of Hancock, Tabled, pending reference.

#### (OFF RECORD REMARKS)

On Motion by Senator Perkins of Hancock, adjourned until 11 o'clock tomorrow morning.