

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

February 19, 1980

Senate called to order by the President.

Prayer by the Honorable Jerome A. Emerson of Corinna.

Senator EMERSON: May we be in the spirit of prayer! Heavenly Father, we are mindful that this is Brotherhood Week. We pray that as we strive to deal with the issues before us that we act in the spirit of brotherly love, toward one another and toward those we serve. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill "An Act to Increase Registration Fees for Watercraft." (H. P. 1835) (L. D. 1939)

In the House February 12, 1980, referred to the Committee on Fisheries and Wildlife.

In the Senate February 13, 1980, referred to the Committee on Taxation, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator PIERCE: Mr. President, I move the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Pat Philippon of Bangor has received the James J. Fitzpatrick annual award for being the State's outstanding schoolboy football player. (H. P. 1851)

Jonathan "Gabby" Price, who coached the Bangor Rams to the State football championship, has been named Class A Coach of the year for 1979. (H. P. 1852)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

House Papers

Bill "An Act to Create the Maine Spruce Budworm Management Act. (Emergency) (H. P. 1846) (L. D. 1953)

Reference to the Committee on Energy and Natural Resources is suggested.

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

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

Senator Katz of Kennebec 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.

Committee Reports

House

Ought to Pass

The Committee on Labor on, Bill, "An Act to Increase the Level of the Maine Wage Assurance Fund." (H. P. 1785) (L. D. 1894)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be

Engrossed.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution of Maine to Bring into Conformance the Year in which the House and Senate shall be Apportioned. (H. P. 1720) (L. D. 1824)

Reported that the same Ought to Pass.

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

The Committee on Labor on, Bill, "An Act Relating to the Effective Date of Administrative Changes in the Employment Security Law." (Emergency) (H. P. 1762) (L. D. 1888)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

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

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-788).

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.

Ought to Pass in New Draft

The Committee on Health and Institutional Services on, Bill, "An Act to Provide for Licensing and Regulation of Adult Foster Homes. (H. P. 1089) (L. D. 1466)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1816) (L. D. 1927).

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

Which Report was Read.

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

Senate

Ought to Pass — As Amended

Senator Trotzky for the Committee on Education on, Bill, "An Act to Allow School Districts to Account for Federally-subsidized Pupils and Residents of the District and not of the Municipality in which they Reside." (S. P. 720) (L. D. 1870)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-416).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted 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 Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association." (Emergency) (H. P. 1753) (L. D. 1880)

Bill "An Act to Appropriate Funds for Special Election." (Emergency) (H. P. 1672) (L. D. 1779)

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

House — As Amended

Bill "An Act to Limit Possession of Lobsters on Board Boats Rigged for Otter or Beam Trawling, Seining or Netting." (H. P. 1631) (L.

D. 1741)

Bill "An Act to Allow Limited Use of Hydraulic Dredges in the Taking of Soft Shell Clams or Quahogs." (H. P. 1633) (L. D. 1743)

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

Enactors

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

AN ACT Relating to Interest on Supplemental Assessments under the Tax Laws. (H. P. 1750) (L. D. 1866)

AN ACT Providing for Administrative Changes in the Maine Revised Statutes Relating to Taxation. (H. P. 1751) (L. D. 1867)

AN ACT to Clarify the Obligations of Certain Public Utilities Regarding Assessments to Defray Expenses of the Public Utilities Commission. (H. P. 1748) (L. D. 1864)

AN ACT Pertaining to the Time for Recording a Tax Lien Mortgage. (H. P. 1736) (L. D. 1854)

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

(Off Record Remarks)

Orders of the Day

The Chair laid before the Senate the first tabled and specially assigned matter;

Bill, "An Act to Authorize Cutting of Trees on State Park Lands." (H. P. 1623) (L. D. 1733)

Tabled—February 15, 1980 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

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

Senator SUTTON: Mr. President, I would move that this L. D. be Indefinitely Postponed with all its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that LD 1733 be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate, this bill perhaps lies on the table here today because I had several questions about it. Since that time, talking with a number of Members of the Natural Resources Council, the sponsor of the bill, and several other individuals involved, I found my position on the bill perhaps has changed.

I feel at this time perhaps we should pass it. I would just remind the Chamber that even the Chairman of that Committee, who had signed out the Ought Not to Pass Report, Senator McBairty, had changed his position, and moved the Ought to Pass Report, as amended, because, he stated, the House Amendments we have adopted, took care of the problem that he had with the bill.

I believe at that time it was about a 9 to 4 Report, or maybe 10 to 3. So I would ask for a Division on the Motion to Indefinitely Postpone.

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

Senator CONLEY: Mr. President, it's always interesting to sit here in the Chamber and watch someone jump to their feet and just move the Indefinite Postponement of a particular bill. I wonder if we might have a reason for the Indefinite Postponement?

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, I was just waiting for that opportunity. There's a couple things that bother me about this bill.

First of all, the thing that bothers me most, is in the amendment, it says: "he may authorize wood harvesting by others." I think that "by others" leaves it wide open for our Parks Department to sub-contract to any profession-

als for harvesting the wood on our public lands. I am told and understand, they now have the right to harvest under certain conditions and in certain places.

Also this bill talks about after harvesting the wood, putting the wood along the side of the road and selling it to the people of the State of Maine. I don't think this is necessary. You go into our public lands now and you can't find enough wood to make a fire in one of their fireplaces. If we have excess wood, let's stack it up and let the people use it for nothing, in our State Parks.

I don't see any problem that we're trying to fix with this. If we don't need to fix it, let's get rid of it.

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

Senator O'LEARY: Mr. President, I don't take much pleasure in disagreeing with the comments of my colleague from my county. However, it was brought out by the Commissioner of this Department that through a verbal opinion of the Attorney General, this piece of legislation was necessary in order to comply with certain deeds, to certain lands that the State has in these Park Lands. So therefore, I would oppose the Motion to Indefinitely Postpone this bill.

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

Senator PRAY: Mr. President, and Members of the Senate, I would just like to respond to the comments of the Senator from Oxford, Senator Sutton, in reference to what the bill does do.

No where in this amendment does it say that the wood is going to be cut and laid along the side of the road, and be sold. I would take it that it would be the authority of the Commissioner as to how that wood is going to be disposed of once it is cut, but nowhere does the bill itself allow that to take place. So don't be misled.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone L. D. 1733 along with accompanying papers, 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 Aroostook, Senator Carpenter.

Senator CARPENTER: I request a Roll Call.

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

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

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

The pending question before the Senate is the Motion by the Senator from Oxford, Senator Sutton, that L. D. 1733 and all its accompanying papers be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Chapman, Collins, Emerson, Gill, Katz, Lovell, McBreairey, Minkowsky, Perkins, Pierce, Shute, Sutton, Teague, Sewall.

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

ABSENT — Devoe, Farley, Huber, Redmond.

15 Senators having voted in the affirmative, and 14 Senators in the negative, with 4 Senators being absent, the Motion to Indefinitely Postpone in non-concurrence does prevail.

Sent down for concurrence.

The Chair laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act Relating to Confidentiality under the Lottery Law." (H. P. 1692) (L. D. 1802)

Tabled—February 15, 1980 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

Senator KATZ: Mr. President, I am confident that this is one issue that the Minority Leader and I are in perfect agreement, that the lottery is one place that should not be shielded from all the publicity in the world. Therefore, I move Indefinite Postponement.

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

Senator SHUTE: Mr. President, and Members of the Senate, as a Member of the Legal Affairs Committee or Chairman of that Committee, I think an explanation is due on the reason for this piece of Legislation.

The Director of the Lottery Commission, or Commissioner, Spike Carey came before the Committee, and gave the committee the explanation that this legislation was needed for several reasons. I will point those out.

Number one, he said that he was requested by several different people to furnish the names of all winners over \$50 in the Lottery Commission. He had people spend several weeks going through all previous winners and coming up with all winners over \$50 from the Lottery Commission.

It was the Committee's feeling, I think, at the hearing that in putting this out as an Ought to Pass Report, we were trying to protect the privacy of the winners of the Lottery so that they wouldn't be inundated with a lot of phone calls for contributions or whatever.

Possibly the committee or possibly I was looking at the wrong end of this thing. Possibly the public should have been the overwhelming concern of the committee and not the winners of the lottery. So I have no great feeling for this bill, whether it passes or not. It's a department bill and certainly not my bill.

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

Senator DANTON: Mr. President, I don't think that that's really the purpose of this bill. The purpose of this bill is that when someone does win a large amount of money from the lottery, for some unknown reason every hustler and investor in the United States of America for some unknown reason finds out who these winners are.

Then these people are bothered morning, noon, and night to invest in real estate or bonds or securities or what have you. That's what the purpose of this bill really is.

Now I have a member of my family that won some money in the lottery. Believe me, as soon as the name was announced, which it is announced, that's enough of a leeway for these investors. Then to allow them to go into the Lottery Commission, and pick out the name and start bothering them, I really think these people are entitled to privacy. I think this bill is needed, just for that specific reason. I would hope you wouldn't vote to kill it.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate, the lottery as you know is going to take in a net profit of \$1,000,000 or less this year. I don't believe there is enough people winning any money that it's going to bother them, that they are going to be bothered by other people trying to take their money away from them, not even the income tax collectors. So I would request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone L. D. 1802 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 Katz.

Senator KATZ: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, this is not an earth-shaking bill but I would like to point out to the Members of the Senate, that one of the real hazards of the State's having an involvement in gambling is the possibility for having the procedures subverted. You have seen it in every State. It's on the television news with some regularity these days. I'd ask the Senate to think very carefully before they made any facet, any facet of State-authorized gambling subject to confidentiality.

I admit that there might be some harassment of winners, but take a look at the overall result of giving confidentiality to any facet of an operation of gambling. I think that's the basis that I feel very, very shy of this bill, and ask you to Indefinitely Postpone it.

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

Senator DANTON: Mr. President, I don't want to debate this bill. I look at this bill and I could care less. The truth of the matter is. Our lottery has always been under attack. Any opportunity we can find to attack it, we do attack it.

We talk about a million or a million and a half dollars as if it's peanuts. I'd love to have the lottery to run as my own personal business in the State of Maine.

Harness Racing in the State of Maine, which runs year around only contributes a mere \$900,000 to the General Fund. Can people go and find out who won what at any race track here in the State of Maine? They can't. That's all this bill asks for. Is after these people have their names announced, that they have won \$25,000 or \$10,000 or a new car, whatever the case may be, that from that point on, they are left alone. That's all the bill asks for.

I don't see any big deal about this bill. I think the people that play the lottery, those who choose to play it, and win, they should have a little confidentiality. That's all the bill asks for.

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

Senator LOVELL: Mr. President, Ladies and Gentlemen of the Senate, just to correct the good Senator from York, Senator Danton, I worked at Scarboro Downs for 20 years driving the ambulance. In that period of time anybody that won \$1,000 or more on the horses their name was given to the Internal Revenue Department.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that L. D. 1802 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY — Carpenter, Clark, Conley, Cote,

Danton, Martin, Minkowsky, Najarian, O'Leary, Pray, Shute, Silverman, Trafton, Usher.

ABSENT — Devoe, Farley, Huber.

15 Senators having voted in the affirmative, and 14 Senators in the negative, with 3 Senators being absent, the Motion to Indefinitely Postpone in non-concurrence does prevail.

Sent down for concurrence.

The Chair laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act Authorizing the Bureau of Consumer Protection to Inform and Advise the Public and to Investigate and Prosecute Complaints Under the Fair Credit Reporting Act." (H. P. 1814) (L. D. 1926)

Tabled—February 15, 1980 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Chapman of Sagadahoc, Retabled for 1 Legislative Day.

The Chair laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act Concerning Mobile Barber Shops." (H. P. 1658) (L. D. 1767)

Tabled—February 15, 1980 by Senator Katz of Kennebec.

Pending—Consideration.

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

Senator KATZ: Mr. President, do we have a Non-concurrent item before us?

The PRESIDENT: The Chair would answer the Senator in the affirmative. The Bill and Papers were Indefinitely Postponed in the Senate. Subsequent to that it was Passed to be Engrossed by the House.

Senator KATZ: Mr. President, I move that the Senate Adhere. I can see there are attempts to amend the bill to make it more acceptable. The fact is I don't believe that we can Constitutionally Amend in order to limit the impact of the bill.

Although I am supportive of mobile barber shops, in remote areas of the State, which do not have access or reasonable access to barber shops, I certainly feel that the Senate would not be willing to open it up to the rest of the State so that mobile barber shops can park directly in front of barber shops or depend upon local ordinance to change it.

I think this is a bad bill which we probably shouldn't have permitted in and we should kill it now.

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

Senator O'LEARY: Mr. President, I am going to make the motion that we Recede from our former action whereby this bill was Indefinitely Postponed.

Mr. President, I heard the good Majority Leader question the constitutionality of doing what's proposed in this bill. However, I would like to read from an opinion by a Deputy Attorney General, that's been referred to in here. It isn't a matter of constitutionality at all. It is a matter of law.

The third paragraph with this, says: with regard to your second question, whether mobile barber shops should be limited to towns that do not have a full time barber shop. I believe the answer to this is that it cannot be so limited. If the mobile barber shop is licensed there is nothing in your law and your regulations at the present time which provides for limitation. Although some States have laws concerning the number of shops. So I imagine that this is Constitutionally permitted.

It's a matter of whether we want to put it into the law, allowing these to be licensed. I have an amendment, Mr. President, and Members of the Senate, that limits the scope of the operation to mobile barber shops not being permitted to operate in adjacent towns.

To give you an example: Here's Manchester out here which is adjacent to Augusta. No

barber shop that I'm aware of. So this amendment of mine would prohibit a mobile barber shop from operating in that community. Monmouth or Leeds where they have barber shops, they are adjacent to communities that have barber shops. So we would limit these to the very remote areas.

There is another problem which has arisen. It's not addressed in this amendment that I would propose today if you went along with me, on the motion to Recede from our former action. I would have an amendment drawn up that would bring it to its proper perspective and make these mobile units purchase licenses in each of the communities where they operate, the same as the barbers do at present.

If a barber in Lewiston has a sub-barber shop in Turner, then he has to purchase 2 licenses. My amendment would do the same thing, the one I am having prepared. So I would hope that you would go along with the motion to Recede from our former action where this bill was Indefinitely Postponed. Then we can bring the law into effect. There would be no question of Constitutionality. Thank you, Mr. President.

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

Senator LOVELL: Mr. President, after looking over this bill I don't hardly believe we need mobile barber shops. In the first place I don't think it's going to be possible to keep them sanitary because they have got to have toilets in them.

When a mobile barber shop has a toilet, if they have too many customers come in during the day, what are they going to do? They have got to have sewage disposal. It says in the bill they must have sewage disposal. So they've got to connect onto a sewer somewhere. Where are they going to get a sewer up in the good Senator Redmond's territory and some of those small towns? It just can't be done.

It also states that mobile barber shop has got to be sanitary as a regular barber shop is. So I think that this bill is not needed. Back in the old days I can remember, back in the President of the Senate's days, the woman of the house cut their hair. My mother used to cut my hair when I was a kid, the young people. So they can still do that. So I don't think that we should vote to Recede on this bill. I would suggest that you vote against Receding on the bill.

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

Senator REDMOND: Mr. President, and Members of the Senate, it's difficult for me to just sit here and look on, while this body is trying to kill this bill. I think that I have personally lived in some of these remote towns that want this bill. Some of these people have to drive 70 miles to go to a barber shop. It's not always convenient.

You take the town of Rangeley. It's quite well known throughout the State. Phillips, Dallas, Coplin, Eustis, Stratton, I have lived in Stratton. We had a barber shop, but the barbers can't afford to maintain the premises and heat those places in the winter. They just can't afford it any more so they just pull out. Madrid, Sandy River, Avon, Strong, Kingfield, Carra-bassett Valley, Weld, New Portland, North New Portland, West New Portland, Oquossoc, Caratunk, Highland, Coburn Gore, Freeman, Salem, Rangeley Plantation, New Vineyard, Cornville, Dennistown, Moose River, Rockwood, Athens, and I could name you 100 more in the State.

Ladies and Gentlemen of the Senate, where I have lived in many of these towns I have just mentioned, I can assure you that for those of you that have had that experience, and even those who have not had the experience, of living in one of these remote areas, could you just picture yourself, before taking a vote to kill that bill. How can we ever deny to these people the opportunity of getting a haircut in their home town?

Think about it. We have in these same towns,

we provide these people with the services of mobile blacksmith shops. The blacksmith shops could no longer survive. Libraries, and we even have mobile banks. Ladies and Gentlemen, I hope that you will think about it before killing this bill.

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

Senator CHAPMAN: Mr. President and Members of the Senate: Clearly the Business Legislation Committee felt that mobile barber shops were in the interest of the consumers. It certainly supports the concept of free enterprise, and making available opportunities to those who can take them and make them work.

As amended by the Committee, the bill is in excellent form. It allowed for local control through local ordinances. I'm not as pleased with the present form, but if that is what is necessary to get things off the ground and particularly to provide services to the rural regions of the State, then I would urge that the Senate support the motion to Recede.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: It seems that we might be getting a little bit off the track, here, this morning. This bill seems to be of some humor to some people but coming from a rural area and having several barber shops in my particular home town I can appreciate the fact that some of these people do have to travel.

If you know some of the people who live in the towns Senator Redmond just read off, one of the things that is very important to them, is that they keep themselves neat, and get haircuts regularly.

It seems to me that there is a great deal of fear being expressed by the lobby here, that all of a sudden we are going to have mobile barber shops springing up everywhere. I wonder how that fits with the expressions of free enterprise interests that I hear in this chamber all so often.

Lets be realistic, nobody is going to go out and invest in an expensive mobile shop of some sort with gasoline approaching \$1.50 per gallon, and go set up next door to somebody who already has an established shop. It just ain't-a-going-to-happen. You may see if this bill passes, two or three mobile barber shops, set up in the rural areas of this state, as I think they should be allowed to.

As the good Senator from Somerset, Senator Redmond, talked about all the other mobile services that we do have in the State of Maine including one that is very near and dear to my heart the bookmobile.

It seems to me, that if the Library Association had done the job of lobbying that the barbers have done, in the last two weeks probably my little one room school house, back 20 years ago, never would have had a bookmobile. I think that that would have been a sad occasion.

So let's give this Bill, a chance this morning let's not kill it. Let's let these people who live out in the very very remote areas and perhaps some of the Senators in this chamber who come from our larger cities do not realize that 70 miles is a long way and an expensive way to go to get a hair cut once every two weeks.

I would just suggest that the law of supply and demand, and free enterprise and economics is probably going to dictate that these shops do not get set up in any area where there is an existing barber shop.

We are not talking about hairstyles, we are not talking about anything fancy, we are talking about somebody getting a hair cut every other week, a good close trim, very rudimentary haircut. I really do not see the great fear that has been expressed by some of the members of this chamber, and I think that there are some Red Herrings being thrown out here.

Let's let the system take care of itself, stop and think about what it is going to cost to set

one of these operations up and keep them set up anywhere where there is already an existing barber shop. Whether the legislation says they may or whether the legislation says they may not. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion by the Senator from Oxford, Senator O'Leary to Recede, 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 15 Senators in the negative, the Motion to Recede does not prevail.

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

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

The PRESIDENT: The Chair would advise the Senator that the Senate has already acted upon the Motion to Recede, which failed. So the Recede and Concur Motion is not in order.

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

Senator O'LEARY: Mr. President I believe the Motion that is before the body right now is to Adhere?

The PRESIDENT: The Chair would answer in the affirmative.

Senator O'LEARY: I do not know just what would happen, Mr. President, if this body voted against the motion to Adhere, just where this body would be?

The PRESIDENT: The Chair would advise the Senator in that eventuality we would then again be in a position where the motion which you first put would be in order, or the Motion to Recede and Concur would be in order.

Senator O'LEARY: Mr. President, I would ask the members of this body to please vote against the motion to Adhere. Then we could perhaps place this bill on the table and tomorrow I would have this amendment prepared that would assure all of these barbers that are presently licensed in this State, that they would not have any competition in their areas and we would be able to provide a service to a great number of people in this State.

I had circulated on each of your desks last Friday, a map of the Northwestern part of the State of Maine. The hub of which is Rangeley up here, I had Rumford, and Mexico, Farmington, and Madison squared off to show you where the closest barber shops are. I will submit to you that it is 95 miles from Coburn Gore to Farmington, or Rumford. It is 75 miles from Stratton or Eustis to Rumford or Mexico, Farmington. It is 42 or 43 miles whichever direction you travel to Mexico, Rumford, or Farmington from Rangeley.

The good Senator from York, Senator, Lovell was concerned about the sanitary conditions of some of these mobile homes, it is already provided in this bill, that the board will license these and that they will set the rules and regulations as to the sanitation. I am sure that the septic waste that the good Senator from York has referred to as being of concern is not any concern to me because we have a number of areas that have dumping stations. So I would ask you to oppose the Motion to Adhere so that we can lay this on the table one more day, so that I could present an amendment to this. Thank you.

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

Senator REDMOND: In view of the circumstances which are taking place here today, I think there has been some confusion with regards to the Attorney General's ruling and I can well understand the questions in some of the Senator's minds with regards to the legality. Therefore Mr. President I move that we Recommit this to the Committee on Business

Legislation.

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

Senator KATZ: Mr. President, I recall that in a Non-concurrent item, it is possible to move to Recede, to Concur, to Adhere. It isn't also possible to Recommit?

The PRESIDENT: The Chair would advise the Senator from Kennebec, Senator Katz, that he is absolutely correct.

The Chair will order a Division.

Will all those Senators in favor of the Motion by the Senator from Kennebec, Senator Katz, to Adhere, please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 15 Senators in the negative, the motion to Adhere does not prevail.

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

Senator CARPENTER: Mr. President, I move that the Senate Recede and Concur.

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

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

Senator O'LEARY: Mr. President I would move that this lie on the table one legislative day.

The PRESIDENT: The Senator from Oxford, Senator O'Leary moves that this be Tabled for 1 Legislative Day.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Retabling L. D. 1767 please rise in their places to be counted.

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

16 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Retable for 1 Legislative Day does prevail.

On Motion by Senator Katz of Kennebec, there being no objections all items previously acted upon were sent forthwith.

On Motion by Senator Pierce of Kennebec, adjourned until 10 o'clock tomorrow morning.