

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

March 5, 1980

Senate called to order by the President.

Prayer by the Reverend Edith L. Morton of the Calvary Church of God in Oakland.

REVEREND MORTON: Let us pray! Our Father we thank thee for thy kindness and mercy. Thank you for health and a measure of strength that we may be here to carry out our duties that we are so happy to receive the privilege of doing.

I pray that you will bless today this Senate, each member needs thy divine guidance and strength. Give to them wisdom and foresight, as they consider those guidelines and laws that will govern and protect the affairs of the people of this State.

May these, thy servants, distinguish between that which is helpful and necessary and that which would be unnecessarily binding or restrictive to the freedom upon which this nation is founded.

Preserve for this great State of Maine its State's rights, I pray. May each one of these who are members of this Senate protect with all their might those freedoms and rights, which belong to the states and to the members of the states.

I pray O God that we shall continue to be an integral part of one nation under God, with liberty and justice for all. These things we ask in the name of our Lord. Amen.

Reading of the Journal of yesterday.

Papers from the House
Joint Orders

An Expression of Legislative Sentiment recognizing: the Girls' Basketball Team, of Gorham High School, State Class B Champions for 1979-80, their third consecutive State title. (H. P. 1905)

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

Senator Pierce 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.

(Off Record Remarks)

House Papers

Bill, "An Act Concerning Cost-sharing Agreements in School Administrative Districts and Community School Districts." (H. P. 1906) (L. D. 1975)

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

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

Study Report — Taxation

The Committee on Taxation In Accordance with Title 36, Section 1760, asks leave to report that, AN ACT to Revise the Law Concerning Sales Tax Exemptions and Repeal Certain Exemptions (H. P. 1907) (L. D. 1973) be referred to the Committee on Taxation 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 Taxation.

Study Report — Taxation

The Committee on Taxation In Accordance with Title 36, Section 1760, asks leave to report

that AN ACT to Revise the Law Concerning Sales Tax Exemptions (H. P. 1908) (L. D. 1974) be referred to the Committee on Taxation 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 Taxation.

Which Reports were Read and Accepted in concurrence, and the Bills referred to the Committee on Taxation, in concurrence.

Orders

An Expression of Legislative Sentiment recognizing:

Kevin White of Winthrop, son of Mr. and Mrs. Leon White, who has achieved the high rank and distinction of Eagle Scout. (S. P. 781) is presented by Senator Ault of Kennebec (Co-sponsor: Representative Davis of Monmouth)

Which was Read and Passed.

Sent down for concurrence.

Senator Danton of York, was granted unanimous consent to address the Senate, Off the Record.

(Off Record Remarks)

Committee Reports
House

The following Ought Not to Pass reports shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Allocate 1/2 of 1% of the Sales and Use Tax to the Department of Inland Fisheries and Wildlife." (H. P. 1837) (L. D. 1941)

Bill, "An Act to Create a Severance Tax on Minerals to Help Finance the Department of Inland Fisheries and Wildlife." (H. P. 1838) (L. D. 1942)

Ought to Pass

The Committee on Public Utilities on, Bill, "An Act to Constitute and Validate the Establishment of the Monson Utilities District." (Emergency) (H. P. 1798) (L. D. 1920)

Reported that the same Ought to Pass.

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

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

Under Suspension of the Rules, on Motion by Senator Devoe of Penobscot, the Bill given its Second Reading, and Passed to be Engrossed in concurrence.

Sent forthwith.

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Provide Supplemental Funds to the Judicial Department." (H. P. 1635) (L. D. 1744)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-816).

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.

The Committee on Local and County Government on, Bill, "An Act to Provide for County Self-government." (H. P. 831) (L. D. 1038)

Reported that the same Ought to Pass as amended by Committee Amendment "B" (H-805).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" (H-827) thereto.

Which Report was Read.

On Motion by Senator Katz of Kennebec,

Tabled for 2 Legislative Days, pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Business Legislation on,

Bill, "An Act to Adopt the Fair Debt Collection Practices Act." (H. P. 1755) (L. D. 1879)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-818).

Signed:

Senators:

CHAPMAN of Sagadahoc

AULT of Kennebec

CLARK of Cumberland

Representatives:

HOWE of South Portland

DUTREMBLE of Biddeford

JACKSON of Yarmouth

BRANNIGAN of Portland

GWADOSKY of Fairfield

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

Signed:

Representatives:

WHITTEMORE of Skowhegan

SPROWL of Hope

ALOUPIS of Bangor

LIZOTTE of Biddeford

BROWN of Bethel

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

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

Senator CHAPMAN: Mr. President, I move the Senate accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, moves the Senate accept the Majority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Knox, Senator COLLINS.

Senator COLLINS: Mr. President, I request a Division on the Motion. Last night I had an opportunity to read this bill. I was really appalled at the strictures that are being placed on the small businessman in trying to collect his bills.

When you use the word "consumer" in a bill, it takes on an aura of holiness in these days. The word really in this bill ought to be "delinquent debtor", people that don't pay their bills.

The restrictions that this bill would place on the businessman that is trying to collect his bills with the aid of a bill collector, maybe a credit bureau or a local collection agency or however he chooses to do it, having someone act for him, are very severe.

I know what it's aimed at. It's aimed at horror story practices that apparently happen in some states. I don't think they happen in Maine, maybe they happen on rare occasions.

For example, it says that if the delinquent debtor notifies the collector in writing that he refuses to pay the bill, then the bill collector shall not communicate further with the delinquent debtor.

Then there are a few exceptions, but in all practical effect, it means the guy that doesn't pay his bill, just writes a letter back saying don't bother me, and then you can't bother him, you can't try to collect that bill anymore, unless you want to go to the expense of hiring a lawyer and proceeding through the courts.

They didn't close the courts in this bill. They've made it fine for attorneys and bankers, give them plenty of chance to collect the bills, but they have severely restricted the small business agency that tries to collect bills for small businessmen.

I think it's a real outrage to try to put that kind of stricture on Maine business. I hope that you will read the bill carefully. There are a dozen provisions in this bill, that restrict free-

dom of communication.

They say, for example, you can't send a post-card trying to collect a bill. They're trying to close the United States Mail, I think this extremity is not needed in the State of Maine. Thank you.

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

Senator CHAPMAN: Mr. President and Members of the Senate: It's always a pleasure to hear the remarks from the Senator from Knox, Senator Collins, he does it well.

I would just like to say that the Business Legislation Committee did not take this issue lightly. As you can see from the report there was substantial majority, a majority that supported the report.

The particular provisions and the one that the Senator from Knox referred to is a matter of Federal Law, now, under the United States Fair Debt Collectors Practices Act. You can't do that anyway, whether this exists or not.

This particular bill is an effort to combine the provisions of that U.S. Fair Debt Collection Practices Act, with the Maine Collection Agency Licensing Law, and to try to address the issues where they do overlap. We have 2 different standards, a higher Federal Standard, and a current State standard, but the Federal standard will prevail.

It will incorporate the Federal provisions within the State provisions so that it will prevent 2 different standards of review, will consolidate the consumer assistance efforts so that they can be informed by the Bureau of what the Federal standards are and what the otherwise State standards are. The bureau can help to educate all consumers, the business consumer, the consumer that purchases and incurs debts, on what the laws are that govern collection agencies.

There is opposition to this measure. I feel that it is largely emotional. They feel that if we don't pass this law that collection agencies can do those things that Senator Collins referred to. That's not true. Confusion will continue to exist. We'll have 2 standards, both to be met.

I think the opponents feel because there may be 2 standards, a Federal standard and a State standard, that in the midst of the confusion, why, some of the collection agencies can press hard to collect the debts for businessmen, and business people.

Wouldn't you rather have a state agency enforcing and educating the public on these issues, rather than the State doing its thing and the Feds standing by to enforce their thing?

I see somewhat of a parallel here with OSHA. Aren't we better served by having the state enforcing and educating the provisions of OSHA where we understand our people and our concerns a little better than somebody representing the federal position?

There is indeed frustration among the business community over collection procedure, when debts are incurred. I share that. I think the general thrust of some of this type Legislation is to cause business people to curtail the extension of credit. Maybe that's good in this day and age that we're in right now.

But the federal statute exists and this is an effort to incorporate it within a state bureau so that the state bureau can do the educating and the enforcing at a local level here.

Business owners have their full right and ability to do anything that they wish to collect their own debts. Essentially this bill addresses what the collection agency can and cannot do, on behalf of the assigned debt.

I would hope that we would give this, at least, its first reading so that cool heads will look beyond the emotion of the situation that I sense exists right now.

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

Senator COLLINS: Mr. President, I have not had the benefit of the background that the Business Legislation Committee has had on this. I

read in Section 8107 that you cannot publish a list of the delinquent debtors that refuse to pay their debts. In my part of the State, some of the towns publish in newspapers the list of the unpaid taxes, after the year has gone by. Most of the towns publish a list of the unpaid taxes in their Town Reports. I would like to inquire whether that will be prohibited by this Act?

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, Men and Women of the Senate. The answer to the good gentleman from the County of Knox, Senator Collins is No, it is not prohibited.

This bill does all those things that the good Senator from Sagadahoc suggests that it does. It is a Collection Agency Law, and does not prohibit a listing of delinquent taxpayers in local municipalities.

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

Senator LOVELL: Mr. President and Members of the Senate: After glancing over this bill, it seems to me very complicated, too much so. I don't think we need any more bills of this type. I think our collection agencies are doing their job properly. I certainly would request a Division. I hope you will vote against this bill.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

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

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

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

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

Divided Report

The Majority of the Committee on Energy and Natural Resources on,

Bill, "An Act to Appropriate Money for the Maine Energy Resources Department Fund and to Permit the use of Those Funds for Demonstration Projects." (H. P. 1713) (L. D. 1819)

Reported that the same Ought Not to Pass.

Signed:

Senators:

McBREAIRTY of Aroostook

TROTZKY of Penobscot

O'LEARY of Oxford

Representatives:

DEXTER of Kingfield

AUSTIN of Bingham

KIESMAN of Fryeburg

JACQUES of Waterville

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-811)

Signed:

Representatives:

MICHAEL of Auburn

HUBER of Falmouth

HALL of Sangerville

BLODGETT of Waldoboro

DOUKAS of Portland

PELTIER of Houlton

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

Which Reports were Read.

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

Senator O'LEARY: Mr. President, because this bill has a price tag of \$200,000 on it, and because there is available monies within the De-

partment of Energy at the present time to accomplish the purposes of this bill, I move acceptance of the Majority Ought Not to Pass Report of the Committee.

On Motion by Senator O'Leary of Oxford, 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 Agriculture on,

Bill, "An Act Creating a Pesticide Review Board." (H. P. 1783) (L. D. 1905)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York

Representatives:

NELSON of New Sweden

SHERBURNE of Dexter

ROOPE of Presque Isle

TORREY of Poland

TOZIER of Unity

ROLLINS of Dixfield

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under New Title, "An Act to Provide Broad Public Representation on the Board of Pesticides Control and to Improve the Level of Information Available to it and the Public." (H. P. 1891) (L. D. 1966)

Signed:

Senators:

CARPENTER of Aroostook

MARTIN of Aroostook

Representatives:

MAHANY of Easton

WOOD of Sanford

LOCKE of Sebec

MICHAEL of Auburn

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-829).

Which Reports were Read.

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

Senator HICHENS: Mr. President, and Members of the Senate, last summer the Agriculture Committee was assigned to study the pesticides problems in the State by the Legislative Council.

Mr. Brown, our Legislative Assistant, informed the Chairman that there were several groups working on the same problem including a special task force appointed by Governor Brennan and another appointed by the new Commissioner of Agriculture.

The Agriculture Committee invited all interested parties to a meeting here at the State House and it was explained to those attending just what we had been assigned to do.

Everyone was invited to participate in planned hearings, and give input in committee deliberations. In November a public hearing was held by the Agriculture in Machias. To my knowledge none of the task forces offered any suggestions or kept the Agriculture Committee informed as to what they were doing.

During our recent recess period a bill, 1905 created a Pesticides Review Board, was presented as a Governor's Bill emanating from his task force report. The bill was sponsored by House Members and scheduled for hearing February 14.

It was indicated that there would be a good response from interested citizens of Maine, so the second largest room at the Civic Center was reserved, the main auditorium having been reserved for another hearing.

On February 14, nearly 500 farmers, environmental and interested persons tried to crowd into a room which seated 225 people. Every effort was made to find larger quarters in the city but to no avail. Suggestions to reschedule were rejected by majority vote of the committee, many people had come from 2 to 300 miles away.

The sponsor of the bill then stood before the committee and presented 18 amendments to the bill. No one on the committee and no one in the audience except for 2 of the sponsors, the Governor's representative and the Commissioner had seen the proposed amendments which in the words of the sponsor changes L. D. 1905 completely.

As a result all testimony given for and against the bill was related to the original bill and not to the amendments. One cosponsor stated that she had not seen the amendments, claimed she had been misled as to what the bill really did, and testified in opposition to the bill.

Opponents agree that L. D. 1905 is too much, too soon. I stand here this morning to bring this what I believe to be completely irresponsible action of the Executive Office to your attention. In this short session, I believe that this is a good example of what is being done by the Governor to shove his programs down the throats of the Legislators and the people of Maine.

On February 19 the Agriculture Committee had a workshop on L. D. 1905, with 9 Members present took a vote, following a motion to pass the bill out Ought Not To Pass. Seven Members signed the Ought Not To Pass Report, 1 signed the Ought To Pass Report, and 2 Members abstained to make up their minds before the 48 hours grace period for signing bills out of committee, expired.

The following day the House Chairman, having received permission by the Speaker of the House to hold the bill, scheduled another work session unbeknown to the Senate Chairman. Notices were sent to all committee members the next morning. At the work session, 4 Democratic Members met and worked out the new draft, which you have before you today.

Here you are being asked to vote on a 2 page draft, which has already been amended in the House, of an original bill of 22 pages and 18 amendments. How such an all important bill can be reduced to 2 pages and satisfy all concerned farmers and environmentalists in the State is beyond my comprehension.

Some people throughout the State have expressed the opinion that this is a band-aid draft and may keep opponents quiet for the time being. 2 or 3 lobbyists have been telling you that the farmers throughout the State are in favor of the new draft. To date 2 farmers in my area have contacted me, one in favor, one opposed. These lobbyists are speaking for a handful that they feel they are representing but not the great majority who have not even seen the new draft.

I feel very deeply, Mr. President and Members of the Senate, that this new draft should have a hearing, so the concerned citizens may express their opinions, however, this late in the session I realize this would be difficult. I therefore move, that the Minority Ought to Pass Report be accepted and hopefully, the Study Committee authorizing the bill can come up with satisfactory recommendations to the 110th Legislature.

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

Senator CARPENTER: Mr. President, a question. Did the Senator from York, Senator Hichens, move acceptance of the Minority Ought to Pass Report?

The PRESIDENT: It is the Chair's understanding that the Senator from York, Senator Hichens, moved the acceptance of the Minority Ought to Pass Report.

The Senator has the Floor.

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate: I was caught a little bit off guard, because after the speech I expected the move to be to kill the bill.

What you're looking at this morning, in 1966 and I would ask all of you that have any questions about pesticides, all of you who represent any members of the Agricultural Community, that have received phone calls or letters about

this bill, to take a look at 1966, because it is completely different than the original bill, 1905.

I'm not of the opinion, as is the good Senator from York, Senator Hichens, that to report out a bill, in new draft, substantially changed from the original version is somehow a skullduggery move on the part of any of the Democratic Members of that committee or the Governor.

I didn't realize that the vote this morning to be referendum on Joe Brennan's Administration to this point. I don't think it should be. I wasn't quite prepared for the speech this morning, I was more prepared to discuss the merits or demerits of L. D. 1966, and how it's different than L. D. 1905.

We did have a very emotional hearing. It's the only hearing I have ever been to that, well lets just say the emotion ran very high. My farmers, many of my farmers and members of the agriculture community of Aroostook County bussed down here that day to oppose 1905. I opposed 1905.

The first work session we had the motion was made Ought Not to Pass. I didn't vote on that motion, because I thought we ought to do something. Even the most vocal opponents of 1905 stood in front of that hearing that day and said we ought to do something, because of the incidents we had last summer Down-east. Throughout the State of Maine, we had 2 or 3 incidents which received considerable play in the press and got people very worked up. So a few of us took this bill and tried to rework it.

I've also had another new experience, the only time I've ever gone to a work session and been boycotted by members of the committee. They just stayed away because they didn't want to work on it.

What we've come out with is a bill that does 3 things, 3 things only. They're very simple things. It restructures the Board of Pesticides Control. It gives them some staff, from increased fees. It orders the Legislature to continue its study of the whole area of pesticides.

I assume that there won't be any lengthy debate this morning, since both the opponents and the proponents are apparently on the same side at this point. I'm still a little confused about that.

But I'm also concerned about people, later on down the road, tomorrow or the next day perhaps in the press getting the wrong impression about how this bill. This is a product of a lot of hard work, and a lot of compromise. It certainly does not, as the Senator from York, may have implied satisfy the concerns of all the environmentalists or all the agricultural people in the State of Maine. It's a good common middle ground. It's a good step in the right direction.

I would hope that you would vote with the good Senator from York, Senator Hichens, this morning, and accept the Ought to Pass Report. I believe there will be an amendment offered. We can discuss that. Perhaps at some point we can get around to discussing the content of this bill, before the whole Legislative Process ends.

On Motion by Senator Hichens of York, the Minority Ought to Pass, in New Draft, Report of the Committee, Accepted, in concurrence, and the Bill, in New Draft, Read Once.

House Amendment "A" Read and Adopted, in concurrence, and the Bill in New Draft as amended, Tomorrow Assigned for Second Reading.

Senate

Ought to Pass — As Amended

Senator McBreairey for the Committee on Energy and Natural Resources on, Bill, "An Act to Authorize a Bond Issue in the Amount of \$4,500,000 for Energy Conservation Improvements for Public School Buildings and the University of Maine." (S. P. 734) (L. D. 1913)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-429).

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:

Senate

Bill, "An Act Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation." (S. P. 779) (L. D. 1970)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Amend the Health Facilities Information Disclosure Act." (Emergency) (S. P. 732) (L. D. 1912)

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

Sent down for concurrence.

Enactors

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

An Act Relating to the Bonding of Voting Device Vendors. (S. P. 694) (L. D. 1816)

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

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 Amending the Requirement of Announcing Political Disclaimers. (H. P. 1647) (L. D. 1757)

This being an emergency measure and having received the affirmative votes of 28 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.

Constitutional Amendment

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)

This being a Constitutional Amendment and having received the affirmative votes of 27 members of the Senate, with 1 Senator voting in the negative, was Finally Passed and having been signed by the President, was by the Secretary presented to the Secretary of State.

(Off Record Remarks)

Orders of the Day

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

Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (S. P. 770) (L. D. 1964)

Tabled—March 3, 1980 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 present Senate Amendment "A" (S-426) and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to L. D. 1964 and moves its adoption.

Senate Amendment "A" (S-426) Read, and Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

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

HOUSE REPORTS from the Committee on Transportation—Bill, "An Act to Amend Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1980 and from July 1, 1980 to June 30, 1981, Decrease the State Aid Bonus from 40% to 20%, and Revise Drivers' License and Examination Fees." (H. P. 1723) (L. D. 1827) Emergency. MAJORITY REPORT — Ought to Pass as Amended by Committee Amendment "A" (H-812): MINORITY REPORT Ought to Pass as Amended by Committee Amendment "B" (H-813).

Tabled—March 4, 1980 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

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

Bill, "An Act to Allow the Commissioner of Marine Resources to Exercise Limited Authority over the Conservation of Atlantic Salmon." (H. P. 1630) (L. D. 1740)

Tabled—March 4, 1980 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

Under Suspension of the Rules, on Motion by Senator Shute of Waldo, the Senate voted to Reconsider its action whereby House Amendment "B" was Adopted.

The PRESIDENT: The Senator has the floor.

Senator SHUTE: I move that we Indefinitely Postpone House Amendment "B".

On Motion by Senator Conley of Cumberland, Retabled for 1 Legislative Day.

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

JOINT ORDER — relative to the Committee on Audit and Program Review studying the operation and proposed expansion of the Office of Energy Resources. (S. P. 772)

Tabled—March 4, 1980 by Senator Huber of Cumberland.

Pending—Passage.

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

Senator O'LEARY: Mr. President I now present Senate Amendment "A" under Filing number S-428 and move its adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary now offers Senate Amendment "A" to S. P. 772 and moves its adoption. Senate Amendment "A" (S-428) Read.

The PRESIDENT: The Senator has the floor.

Senator O'LEARY: Mr. President this is a very simple amendment, what it does it provides that the review of the department will be by the Joint Standing Committee on Energy and Natural Resources rather than the Committee on Audit and Program Review.

On Motion by Senator Conley of Cumberland, Retabled for 2 Legislative Days.

(Off Record Remarks)

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

Bill, "An Act to Permit the Department of Transportation to Acquire Railroad Operating Equipment." (S. P. 666) (L. D. 1720)

Tabled—March 4, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

On Motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

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

Bill, "An Act Combining the Offices of Justice of the Peace and Notary Public and to Establish their Appointment by the Secretary of State." (H. P. 1718) (L. D. 1829)

Tabled—March 4, 1980 by Senator Perkins of Hancock.

Pending—Consideration.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President because I do not believe that it is necessary or justified at the time to do away with this office, I move Indefinite Postponement of this Bill and all of its accompanying papers.

The PRESIDENT: The Chair would advise the Senator that the Motion is Out of Order since the Senate and the House are not in concurrence at the present time.

The Senator has the floor.

Senator AULT: I move that we Recede.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now moves that the Senate Recede, from its action whereby this Bill was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

The Senator has the floor.

Senator AULT: I now move Indefinite Postponement of this Bill and all of its accompanying papers.

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

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone L. D. 1829, 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 13 Senators in the negative, the Motion to Indefinitely Postpone, does Prevail.

Sent down for concurrence.

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

HOUSE REPORT—from the Committee on State Government—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) Ought to Pass as amended by Committee Amendment "A" (H-814)

Tabled—March 4, 1980 by Senator Pray of Penobscot.

Pending—Acceptance of Report.

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

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

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

Senator Lovell, of York, was granted unanimous consent to address the Senate, Off the Record.

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

Senator Lovell of York, was granted unanimous consent to address the Senate, Off the Record.

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

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

On Motion by Senator Pierce of Kennebec, adjourned until 9:30 tomorrow morning.