

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**January 3, 1979 to May 4, 1979**

## Rules:

RESOLVE, Reimbursing Bugbee-Brown, Inc., for Over-collection of \$289.85 in Cigarette Taxes. (S. P. 190) (L. D. 457)

**Ought to Pass**

Senator Trotzky for the Committee on Energy and Natural Resources on, Bill, "An Act Relating to Certification of Plumbing Inspectors." (S. P. 154) (L. D. 372)

Reported that the same Ought to Pass.

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Amend the Safe Drinking Water Act." (S. P. 155) (L. D. 330)

Reported that the same Ought to Pass.

Which reports were Read and Accepted and the Bills Read Once, and Tomorrow Assigned for Second Reading.

**Ought to Pass — As Amended**

Senator Perkins for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland." (S. P. 194) (L. D. 461)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-17).

Senator Collins for the Committee on Judiciary on, Bill, "An Act Relating to Filing Abstracts of Divorce Decrees with Registry of Deeds." (S. P. 104) (L. D. 201)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-28).

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

**Second Readers**

The Committee on Bills in the Second Reading reported that:

**House**

Bill, "An Act to Amend the Per Diem Rate for Persons Serving on the State Board of Nursing." (H. P. 354) (L. D. 450)

Bill, "An Act Relating to the Wholesale Sale of Malt Liquor and Wine." (H. P. 315) (L. D. 421)

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

**House — As Amended**

Bill, "An Act to Change the Date on Which the Annual Sessions of the County Commissioners are Held in Sagadahoc County." (H. P. 57) (L. D. 66)

Bill, "An Act Increasing Borrowing Capacity of Mars Hill Utility District and Extending the Time Which That District has to Take Over Mars Hill and Blaine Water Company." (Emergency) (H. P. 54) (L. D. 63)

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

Bill, "An Act to Revise the Service Charge for Local Vehicle Registration Agents." (H. P. 147) (L. D. 150)

Which was Read a Second Time.

On Motion by Senator Pierce of Kennebec, Tabled, 1 Legislative Day, Pending Passage to be Engrossed.

Bill, "An Act to Increase the Minimum Wage to \$4 Per Hour." (H. P. 26) (L. D. 43)

Which was Read a Second Time.

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

Senator SUTTON: Mr. President, I would like to present Senate Amendment "A" and speak on the Motion.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now offers Senate Amendment "A" to L. D. 43 and moves its Adoption.

Senate Amendment "A" (S-29) was Read.

The Senator has the floor.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, I would just like to bring you briefly up to date on where we are in this particular situation. The present statute says that the Maine State Minimum Wage, will rise with the Federal Minimum Wage not to exceed a ceiling of \$3.00 per hour.

This particular LD requests that the State Minimum Wage go to \$4.00 and the ceiling be removed, in essence. The Committee reports that came out, there were 3 Committee Reports that came out. The first one was an amended Committee Report, that changed the amount from \$4.00 to \$3.10 and set the date to be enacted as October 1, of 1979, and the second changed the ceiling to \$4.00 per hour. The present Federal Minimum Wage will change on January 1, 1980 to \$3.10 per hour, that was Committee Amendment "A" on the First Report.

The Second Report was Ought Not to Pass Report, and the third report was one that was to Pass the bill that we are now talking about \$4.00 per hour.

There were 6 of us that signed out Ought Not to Pass on this Bill, basically for two reasons, one was that in the amended version of the Committee, the changing of the ceiling was acceptable to \$4.00 an hour so that, the rate could go up, but the change in the amount was not acceptable, and moving it back ahead of the Federal date was not acceptable, of course, the raising to \$4.00 was not acceptable.

There are many philosophical views of minimum wage, and I won't spend the time right now getting into those, because I am sure that you all have your own feelings on that. The opponents believe that it costs jobs, loss of work, and money in the economy as a whole. If this Bill was passed as it now reads, the Department of Human Services alone tells us that it would cost, between \$4.5 million to \$3.5 million dollars in additional state funds. On Committee Amendment "A" if that were passed we do not know the figures, but it would be in addition to that because it moves it back 3 months.

I signed out Ought Not to Pass on this because I did not believe that the minimum wage should go to \$4.00 per hour, I believe that the statute we now have is acceptable, so when it came to us from the other body as it is before us now I felt we should take the opportunity to put it back in the statutes in the form that it was intended when it was written. So that is why we have this amendment to put it back in line with the Federal Minimum Wage which is now \$2.90 per hour to raise the ceiling so that it can continue to raise, and stay with the things that we have already sought. Thank you.

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

Senator O'LEARY: I would direct a question, Mr. President, through the Chair, to the Chairman of the Committee on Labor, what is the intent and purpose of the Minimum Wage?

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has posed a question through the Chair, to the Senator from Oxford who may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I would like to direct a question also, to the Chairman of the Labor Committee, because I was not made aware of those figures, he stated, I am not sure that I heard right, if my memory serves me right and if I heard right, he stated that the State said in a paper he has before him, that to change the minimum wage to what Report "A" was the \$3.10 per hour, on October 1, would cost the State of Maine out of the State funds, \$2 million dollars, would he clarify that please?

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

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate. Yes, either I said it wrong or you misunderstood me, what the impact figures we have are based on the \$4.00, if we go to the \$4.00 minimum wage, starting

January 1, then the impact would be between \$4.5 and \$5.3 million they did not have figures if we went to the \$3.10 starting October 1, of this year, except that it would be something certainly in addition to what we are paying now.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate. As you have probably read recently, in newspapers, that Maine is one of the poorest States or is the poorest State in the Union.

I think that we have a very good bunch of Democrats in Washington, and they control both the House and the Senate, and the wage that they want to set for a minimum wage for the United States is what Maine should go by, not try to jump ahead of the rest of the country, and not try to jump ahead of Washington, but stay with Washington.

I signed Ought Not to Pass along with the good Senator from Oxford, Senator Sutton, on this Bill, and I believe that it should Ought Not to Pass. In fact I think we should have debated it yesterday and Indefinitely Postponed it, but I will go along with this Committee Amendment, that Senator Sutton has put in and I will ask for a Roll Call on this Amendment.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate. I guess perhaps I did not state my full question quite clearly, and I would like to restate it. First of all I want to thank him for answering one section, that he was applying to the \$4.00 minimum wage and not the \$3.10 minimum wage. The second part of the question was, in reference to the fact that he stated it would cost the State Funds, the state is exempt from minimum wage, I would like to know where the cost to the State Fund is?

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

Senator SUTTON: Mr. President, and Ladies and Gentlemen of the Senate. This Bill in its original form is estimated by the Department of Human Services, to cost their reimbursement Programs for Hospitals and Nursing Homes, I am sorry I did not make that clear, I apologize.

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

Senator PRAY: Mr. President, I would like to offer Senate Amendment "A" to Senate Amendment "A", under filing Number (S-30) and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has offered Senate Amendment "A" to Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-30) to Senate Amendment "A" Read.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt, Senate Amendment "A" to Senate Amendment "A"?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I would ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate. For those individuals, the 26 who voted yesterday for an increase in the Minimum Wage, for an attempt to address the minimum wage situation the Senate Amendment "A" to Senate Amendment "A" that is now before you is basically Committee Report "A", it is the \$3.10 three months early. The amendment does basically three things, it sets the minimum wage at \$3.10 an hour, it sets the maximum ceiling, to \$4.00 per hour, and it establishes an effective date of October 1, 1979. Out of the last 3 instances, in which the minimum wage was increased in the State of

Maine, on 2 of those occasions we preceded the Federal Government by a 3 month period, and I would like to just take a moment to address I guess mostly my Democratic colleagues, most Republican colleagues in this Senate are a little bit more familiar with the business establishments, with reports and what not.

We have a four quarter system on filing reports with the State, this October 1st deadline would make that change effective on that last quarter reports. I have heard the arguments from some of my colleagues in the Senate, on the other side of the aisle something to the fact there would be an additional cost to the State, as far as printing notices that there is a minimum wage increase, because we are preceding the Federal Government by 3 months. No matter which route we take the State Government is going to have to print up the notices that they do send around to employers to notify them of what the State Minimum Wage is, so I would just like to clarify that one instance.

Earlier my good colleague and good friend and former seat mate, the Senator from Oxford, Senator O'Leary, posed a question through the Chair to the Chairman of the Labor Committee, who declined to answer, as to what the intent and the purpose of the minimum wage law is. I would like to just quote the Maine Statutes under the reference as to what minimum wage was established for. "Minimum Wage Law was designed to assure that workers, employed in the State of Maine, should receive wages sufficient to provide adequate maintenance and to protect their health."

Let's just talk about these for a moment, particularly on those individuals in our State, on the lower end of the economic scale. Those individuals in the State of Maine, in most instances do not have an industry such as I do in my home town or a company of the scale, or size that pays the wages, such as the paper industry does. We are talking right now about a person who makes \$2.90 an hour, if that individual works 50 weeks a year, and earns the \$2.90 and works 40 hours each week, he would have a gross income of \$5,800.

In the interest of sustaining his family, maintaining the cost of an individual, let alone a family, that \$5,800 prior to taxes is not going to go very far. We have Health Insurance, Life Insurance, the day to day medical costs, which so many of us are more fortunate either through fringe benefits such as being elected to this distinguished body, we have a State plan we can join, have part of the fringe benefits reimbursed by the State. Many of these individuals who are earning minimum wage, are not collecting that, so they have to pull out of that \$5,800, after taxes, after they have put a roof over their head, maintained the rent or the house payments, taken care of the food, to sustain the family during the week, and whatever money they have left over, take care of medical costs, or whatever we have for expenses to address.

Now I must be the first one to admit that \$3.10 three months early is not going to solve the problem, but what it is going to do is to give a small assistance to help them in this time, of national economic instability, while prices and inflation are going up around them no matter what minimum wage is. I think that the President of the United States, President Carter, addressed that in his wage price guidelines, when he exempted under \$4,000, there was a reason he did that, we have to understand that there is national concern, for the fact that those individuals on the bottom of the scale should have more flexibility to change in the guidelines that were spelled out for trying to control inflation. These are the people that we are talking about now, those few are not in the guidelines, those individuals at the bottom of the scale.

As the good Senator from York, Senator Lovell, pointed out that we should not precede the National Government, we should also un-

derstand in what light and what instance that the National Government, establishes Federal Minimum Wage. They act separately of the economic areas, or the economic cost of living in those areas, and we all know what the cost of fuel oil is in the Northeast, particularly here in Maine.

We realize that we are much more rural, automobiles become more of a necessity, because we do not have mass transportation and we are aware of the effects that the price of gasoline and what not in reference to maintaining jobs and employment and whatever else we have.

The reasons, I believe that Maine has preceded the Federal Government in 2 of the last three instances is because we recognize that the people in this part of the country had those additional burdens, that the people in Mississippi or Alabama or in the south that do not have the burden of heating cost that we do and the additional expenses that I have already mentioned, is that we decided in this body and the Legislature to give them that small jump. That is what we are attempting to do with this amendment. Mr. President. I would request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate. I would just care to make one remark in regards to the good Senator from Penobscot, Senator Pray's comments. Again without getting into the philosophical discussion of minimum wage, which I feel very strongly about in both areas. There is one thing that I would like to leave you with though, is that in trying to do this, minimal move that is suggested by going to \$3.10 per hour, and moving it back to October 1, every little bit helps, I understand, but it is going to set a very bad precedent even though I am told that it has been done in the past and most of all I assure you it is going to greatly confuse the small business community of the State of Maine. I would urge you not to support this.

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 arise a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate. I believe that there is one thing that the good Senator from Oxford, Senator Sutton, did not discuss in his debate and that is the high rate of inflation, that is taking its toll not only here in Maine, but across the country.

Those that it really hits the most, are those who are obviously making the minimum wage, in this State. What is being proposed by Senate Amendment "A" to Senate Amendment "A" is nothing more than to increase, the minimum wage three months earlier, than it would when it goes into effect of the Federal Minimum Wage on January 1.

This is the time of the year when most people in this State have the biggest burden put upon them, for the next several months, when just talking about the fuel costs, never mind the inflationary rates, that is effected by the rising cost of food, just the fuel cost itself and I would urge the Senate to support the Motion, the amendment that is presented by the good Senator from Penobscot, Senator Pray.

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

Senator TROTZKY: Mr. President and Members of the Senate. It was very enlightening to hear the explanation given by Senator Pray of

Penobscot County. I think that we all agree that we would like to raise the fellow up on the bottom, so that there is sufficient amount of money for adequate maintenance. However, Senator Pray's story is not the whole story, because the Union Contracts are escalator clauses built right in, which means that when you raise the minimum wage, you raise everybody else right up the ladder. So that what appears to me to be taking place today is that Senator Pray and the Democratic colleague, Senator Conley, are interested in fueling the inflationary spiral.

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

Senator PRAY: Mr. President and Members of the Senate. In response to my dear friend from Penobscot, Senator Trotzky, as to the situation which he portrayed as to my attempts to escalate the rate of inflation and perhaps even insinuate I have no concern about the economic stability of not only the State of Maine, but perhaps the Nation.

This legislation before us does not deal with collective bargaining rights, in the private section, it does not deal with what is mutually agreed to by both parties, in collective bargaining. If the Great Northern Paper Company in my district negotiates a contract with its employees and through the negotiation process allows them an escalating clause, they have the idea of the ramifications of adopting or accepting that into the contract, but to stand here and say that every union in this State, has such an escalation clause or to insinuate that there are many unions that do that it is going to have an economic effect as to the inflationary rate, I think is erroneous and I just would not want the Senator from Penobscot, Senator Trotzky, to leave such a heavy burden of doubt over this body's mind.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray, that Senate Amendment "A" to Senate Amendment "A" be Adopted.

A Yes vote will be in favor of Adoption.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Carpenter, Conley, Cote, Farley, Martin, Minkowsky, Najarian, O'Leary, Pray, Shute, Usher

NAY—Ault, Chapman, Clark, Collins, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairty, Perkins, Pierce, Redmond, Silverman, Sutton, Teague, Trafton, Trotzky

ABSENT — Danton, Devoe

A Roll Call was had.

11 Senators having voted in the affirmative and 19 Senators in the negative, with 2 Senators being absent, the Motion to Adopt Senate Amendment "A" to Senate Amendment "A", does not prevail.

Is it now the pleasure of the Senate to Adopt Senate Amendment "A" to L. D. 43.

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 the Senate Adopt Senate Amendment "A" to L. D. 43.

A Yes vote will be in favor of Adoption.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Ault, Carpenter, Chapman, Clark,

Collins, Cote, Emerson, Gill, Huber, Katz, Lovell, McBreairty, Najarian, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky

NAY — Conley, Farley, Hichens, Martin, Minkowsky, O'Leary, Pray, Usher

ABSENT — Danton, Devoe

A Roll Call was had.

22 Senators having voted in the affirmative and 8 Senators in the negative and 2 Senators being absent, the Motion to Adopt Senate Amendment "A" does prevail.

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

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

Senator PIERCE: Mr. President, I now move Reconsideration and ask the Senate to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate Reconsider its action whereby L. D. 43, as amended, was Passed to be Engrossed.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had, the Motion to Reconsider does not prevail.

Sent down for concurrence.

#### Senate

Bill, "An Act Relating to the Court of Probate of Aroostook County." (S. P. 144) (L. D. 320)

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

Sent down for concurrence.

#### Enactors

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

An Act to Increase from 3¢ to 5¢ Per Inhabitant the Amount Appropriated Annually for the State Stipend Fund for Agricultural Societies. (H. P. 118) (L. D. 128)

On Motion by Senator Huber of Cumberland, passed on the Special Appropriations Table.

An Act to Permit Hotel, Motel and Restaurant Managers to Eject Disruptive or Destructive Persons from their Premises and to Require these Persons to Assume Responsibility for any Damages Caused. (S. P. 33) (L. D. 21)

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

#### Emergency

An Act to Dissolve Membership of the Towns of Hope and Appleton from the Community School District. (H. P. 97) (L. D. 124)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Senator COLLINS: Mr. President, calling the Senate's attention to Bill, "An Act to Increase the Salaries of County Officers." (H. P. 201) (L. D. 227)

The PRESIDENT: The Chair would advise the Senator that this Bill has been assigned for Second Reading Tomorrow.

#### Orders of the Day

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

SENATE REPORT—from the Committee on Fisheries and Wildlife — Bill, "An Act to Test an Open Season on Moose for a One-Year Period." (S. P. 42) (L. D. 28) Ought to Pass as amended by Committee Amendment "A" (S-

26)

Tabled—March 8, 1979 by Senator Redmond of Somerset

Pending—Acceptance of Report  
On Motion by Senator Katz of Kennebec, Re-tabled for 1 Legislative Day.

The President laid before the Senate the Second Tabled and specially assigned matter:

HOUSE REPORTS—from the Committee on State Government — Resolution, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the Meeting of the First Regular Session of the Legislature during December to Election of Constitutional Officers and Legislative Officers and to Provide for Senate Apportionment in 1983. (H. P. 288) (L. D. 348) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled—March 8, 1979 by Senator Pierce of Kennebec

Pending—Acceptance of Either Report  
On Motion by Senator Katz of Kennebec, Re-tabled for 2 Legislative Days.

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

JOINT RESOLUTION TO RATIFY AN AMENDMENT TO THE FEDERAL CONSTITUTION TO PROVIDE FOR REPRESENTATION OF THE DISTRICT OF COLUMBIA IN THE CONGRESS. (H. P. 679) (L. D. 805)

Tabled — March 8, 1979 by Senator Pierce of Kennebec

Pending — Consideration  
On Motion by Senator Katz of Kennebec, Re-tabled for 1 Legislative Day.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Offices of Judges of Probate and Registers of Probate as Constitutional Offices. (H. P. 197) (L. D. 246)

Tabled—March 8, 1979 by Senator Pierce of Kennebec

On Motion by Senator Katz of Kennebec, referred to the Committee on Judiciary and Ordered Printed, in concurrence.

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

#### Communication

COMMITTEE ON STATE GOVERNMENT  
March 9, 1979

The Honorable Joseph Sewall  
President of the Senate of Maine  
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Allan H. Weeks, Jr. to the position of Chief, Maine State Police.

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

YEAS

Senators 3  
Representatives 10

Unanimous

NAYS

Senators 0  
Representatives 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Allan H. Weeks, Jr. to the position of Chief, Maine State Police be confirmed.

Sincerely,

DAVID R. AULT  
Senate Chairman  
JUDY C. KANY  
House Chairman

Which was Read and Ordered Placed on file.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Allan H. Weeks, Jr. be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on State Government be overridden? In accordance with 3 M.R.S.A., chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

#### ROLL CALL

YEA—Pray

NAY—Ault, Carpenter, Chapman, Clark, Collins, Cote, Emerson, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairty, Minkowsky, Najarian, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall

ABSENT—Conley, Danton, Devoe, Farley, O'Leary

A Roll Call was had.

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

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 Senators absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Allan H. Weeks, Jr. is confirmed.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, Off the Record.

Senator Carpenter of Aroostook, was granted unanimous consent to address the Senate, On the Record.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. Very briefly, I want to advise the members of the Senate, of something that has taken place, this morning and which I am sure you will be reading about over the weekend.

I rise this morning with very mixed emotions, this is basically an Aroostook County issue, but it is something that you all ought to be aware of, this morning there was a suspension of futures trading, Maine Potatoe Futures for the duration of 1979.

This issue one way or the other could, potentially mean many millions of dollars, in or out of the pockets of the Aroostook County farmers. I want to rise this morning just to make you aware of the issue, one of the basic reasons is that I believe the reasons that will be given for this rather drastic action real, will be as you may read in the papers about the loads of potatoes that are sitting in New York, which are unacceptable. The reason may be given that the Maine Potato at this point is not deliverable and therefore you cannot trade in something that is not deliverable.

The real reasons, I think run a lot deeper than that, and I could stand here and impugn the motives of many of the people who have used the Mercantile to their advantage over the years.

Suffice for me to say that there are a great deal of potatoes in Aroostook County and if this type of reason is given for this suspension then the State of Maine is going to have to take an active roll, I believe, in combating whatever bad publicity we may get out of this.

The last few days on the Mercantile in Aroostook County, the price for the April and May