

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Eighth Legislature

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

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**Senate Confirmation Session
September 16, 1977**

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SENATE

Friday, June 3, 1977

Senate called to Order by the President.

Prayer by the Honorable Matthew C. Levine of Winslow.

Mr. LEVINE: Oh Lord give us the strength, the courage, and the wisdom to do that which is best for all the people of the State of Maine. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Prohibit Smoking at Public Meetings." (H. P. 361) (L. D. 453)

In the House May 31, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-417).

In the Senate June 1, 1977 Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

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

Mrs. SNOWE: Mr. President, I move we join in a Committee of Conference.

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

Mr. PRAY: Mr. President and Members of the Senate: We discussed this item the other day to great length, and I think that this time of the year to start joining in the Committee of Conferences on Bills such as this nature would serve no useful purpose, so I would ask for a Division, and hopefully we will defeat the present Motion, and the Senate could adhere.

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

Mr. HICHENS: Mr. President, I disagree with the Senator from Penobscot who claims that it is an insignificant issue. I think this is a very important issue, and with the debate we heard the other day, and people's questions which came to mind, I think it is very important that we have a Committee of Conference to see if they can iron out some of the problems and present them to us once more.

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

Mr. PRAY: Mr. President and Members of the Senate: Not to delay this any, but through the Committee process we heard several alternatives, and several suggested Amendments, which we discussed at great length, and the Committee itself could come to very little agreement upon the action to take or what possible Amendments could be offered to it, and the sponsor of the legislation was there, and also talked about possible Amendments. Basically in the hearing, we also had two bills relating to non-smoking in meetings, and this Bill is the one that came out. As we debated the other day, the issues were brought up. Some of the recommended changes were suggested, and still this Senate in its wisdom decided at that time not to accept the Report so that it could put in a Second Reading and amend it.

I think that we acted wisely at that time, and I would hope that we would continue to hold the position that we held the other day.

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

Mr. HICHENS: Mr. President, when the vote is taken, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Snowe.

Mrs. SNOWE: Mr. President and Members of the Senate: I certainly am not going to belabor this issue any further, except to say that the Committee did discuss this Bill thoroughly. We did discuss further alternatives. However, we came out with a 12 to 1

Report, because this is how we felt. We had developed a consensus on this Report, and that is why there were no other alternatives. Therefore, when the Bill came out here into the House and into the Senate, there were differences of opinion, and that is why a Committee of Conference, I think, would serve a good purpose. It would serve to provide a consensus on other alternatives.

The PRESIDENT: Is the Senate ready for the question.

A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators present in favor of a Roll Call, please rise in their places to be counted.

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

The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Snowe, that the Senate insist and join in a Committee of Conference.

A yes vote will be in favor of the Motion to Insist. A nay vote will be opposed.

The doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Farley, Greeley, Hewes, Hichens, Lovell, Mangan, McNally, Minkowsky, Pierce, Redmond, Snowe, Speers, Usher.

NAY — Huber, Levine, Martin, Merrill, Morrell, O'Leary, Pray, Trotzky.

ABSENT — Danton, Jackson, Katz, Wyman.

20 Senators having voted in the affirmative, and 8 Senators in the negative, with 4 Senators being absent, the Motion to insist and join in a Committee of Conference does prevail.

Non-concurrent Matter

Bill, "An Act to Improve Prosecution Services." (H. P. 1571) (L. D. 1785)

In the Senate May 23, 1977 Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-472), in non-concurrence.

On the Motion of Mr. Collins of Knox, The Senate voted to recede and concur.

Joint Orders

Expression of Legislative Sentiment recognizing that: James J. Lancaster is retiring after 30 years of service as an educator, including 25 years in the South Portland School System and 12 years as principal of Mahoney Junior High School. (H. P. 1634)

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

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

Mr. HEWES: With respect to H. P. 1634, the expression of appreciation for James "Jud" Lancaster, he is a gentleman of the first order, having come from the south, settled up here in Maine after the War, and he has been an inspiration to thousands of students in South Portland. It seems incredible that he is at retirement age, because of his vigor, enthusiasm, and interest in life.

I certainly want to call this to the attention of the Senate, and I would not be surprised if one of these days, he is gracing, as a Member of either this Body or the Body down the hall. He is a very civic minded citizen, and respected by the citizenry of South Portland.

Which was Passed in concurrence.

Expressions of Legislative Sentiment recognizing that: Judy Fowle has been recognized for her outstanding Academic Record by being chosen Valedictorian of Greenville High School. (H. P. 1635)

Cathy Jamieson has been recognized for her excellent Academic Record by being chosen

Salutatorian of Greenville High School. (H. P. 1636)

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

Communications

House of Representatives

June 2, 1977

The Honorable May M. Ross

Secretary of the Senate

108th Legislature

Augusta, Maine

Dear Madam Secretary:

The House voted today to Adhere to its former action whereby it accepted the "Ought Not to Pass" Report of the Committee on Liquor Control on Bill "An Act to Increase the Number of State Liquor Inspectors" (S. P. 454) (L. D. 1569)

The House also voted to Adhere to its former action whereby it accepted the "Ought Not to Pass" Report of the Committee on Agriculture on Bill "An Act Relating to Exhibition Dates for Agricultural Fairs and Exhibitions" (H. P. 420) (L. D. 525)

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

June 2, 1977

The Honorable May M. Ross

Secretary of the Senate

108th Legislature

Augusta, Maine

Dear Madam Secretary:

The House voted today to Adhere to its former action whereby it Indefinitely postponed Bill "An Act Relating to Refusal to Accept Work as Disqualification for Benefits under the Employment Security Law" (H. P. 360) (L. D. 452)

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Senator Hichens of York was granted unanimous consent to address the Senate on the record.

Sen. Jerrold Speers — June 5

In 1941, I've learned, on the 5th day of June, When gardens all were flourishing — birds sang a happy tune —

When corn was growing rapidly, not yet quite forming ears

In a quiet little town in Mass. there appeared another SPEERS.

This new shoot grew quite rapidly. I'm told in childhood days

And exerted his great influence in many varied ways.

His Dad was known throughout the State as head of Fish & Game

And every sportsman in the State was acquainted with his name.

Young Jerry grew to manhood — altho he didn't grow tall

In physical appearance — he stood his ground with all

Who differed with philosophies that he chose to accept

And he was viewed by those he knew with honor and respect.

As Senate Secretary he served within this Senate Chamber

And liked the goings on so much he chose to be a member