

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, February 14, 1973
Senate called to order by the President.

Prayer by Mr. Julius Sussman of Augusta.

Reading of the Journal of yesterday.

Mr. Hichens of York was granted unanimous consent to address the Senate.

Mr. HICHENS:

Fifty years ago today, (if memory serves me right)

Back in 1923, the sun was shining bright.

That was a year of prices high much like they are today

And silent Cal was President - Prohibition in full sway.

The Gangsters in Chicago were busier than bees.

And revenoors roamed the land - patrolled the rolling seas.

The Flapper had her fling that year - raccoon coats the rage.

Edna Ferber - novelist - Carl Sandburg quite the sage.

Folks sang of Barney Google - with the goo-goo-googly eyes,

And everything looked rosy - no war clouds in the skies.

The past years but a memory - the future - well you cared.

Barnstorming pilots roamed the skies - the Atlantic - no one dared.

Gas lights were disappearing - here and there a radio

Folks rode around in Model T's when they desired to go.

Modern plumbing with pull chain replaced the outdoor nook.

And baths were taken in a tub - no longer in the brook.

Back in the country here in Maine - t'was peaceful too they say.

Until someone ran up the street in Skowhegan (down east way.)

He burst into the country store - and shouted clear and loud,

"D'jer hear the news this morning - There is a new Mac-Leod.

I'm telling you my brothers, things won't be the same again,"

Do Ye Ken?

(Applause)

The PRESIDENT: Thank you very much, Walter. I didn't realize

you had such ability as a poet and as a writer.

Last week a reporter from the Press Herald, Jim Brunelle, asked me what I would best like to be remembered for, and I should have said I don't know because I don't think it has happened yet. But I guess when you get to the stage that they start asking you what you would like to be remembered for you are on the down side of the hill. But I am looking forward to whatever is left, however long it may be and whatever it may hold. As the fellow says, you only go this way once, and if it isn't true, and if there is reincarnation, the next time I am back I might come back as a Democrat. (Applause)

Papers From The House Joint Orders

ORDERED, the Senate concurring, that the State Controller supply for the use of the Legislature 200 copies of a list of state employees, including a list of officers and employees of the University of Maine to be obtained by the State Controller from the University of Maine, with their salaries paid as of January 1, 1973, 160 of the said copies to be deposited in the Office of the Clerk of the House and 40 of the said copies to be deposited in the Office of the Secretary of the Senate; and be it further

ORDERED, that said list be distributed one to each Member of the House of Representatives and Senate and the balance to the Clerk of the House and Secretary of the Senate for such distribution as they may see fit. (H. P. 664)

Comes from the House, Read and Passed.

Which was Read.

Mr. Berry of Cumberland then moved that the Order be Indefinitely Postponed.

The PRESIDENT: The Chair recognized the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: I am going to oppose the motion of the Senator from Cumberland, Senator Berry. I think the members of the legislature are entitled to this book. I think they have given it the wrong name just to hurt the book

by calling it the "Snoop Book", and when the vote is taken I move that it be taken by a division.

The PRESIDENT: A division has been requested. The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I notice that this order does not include the price tag. Maybe it is because whoever actually prepared it didn't do their homework, or perhaps the sum of money that is going to be involved in the printing of this "Snoop Book" is such that its expenditure would not seem by any stretch of the imagination to be appropriate.

Of all the things that we spend our money on in this legislature, this is really my pet peeve. It is called an essential tool to the legislature. I have been here since the 101st, and if this is an essential tool to the legislature, ladies and gentlemen, we really are in trouble. It is a Snoop Book. The curiosity around the state is not a high level curiosity. It is true that these are public employees, but public employees' salaries are available on some other basis than through this legislative ruse. If those of you who have your own ideas about how the state should spend its money were to combine, this joint order will be resoundingly defeated. And I am very pleased that a roll call has been requested because I really feel this is a shocking waste of money.

The PRESIDENT: The Chair would inform the Senator that a roll call has not been requested; a division has been requested. Is the Senate ready for the question?

The Chair recognized the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: For perhaps the information of the new members of the body, what we are discussing here is a compilation of salaries of all state employees. It historically has passed the several sessions. As a matter of fact, in a recent session it didn't pass the Senate and the House went ahead and pushed through an illegal order and published it anyway.

It is little used by the legislators. It is published under the guise that it is information for the members of the legislature, and immediately upon its release every legislator is besieged for his copy. And it is used by state employees to find out what their neighbors get and if somebody's husband is getting more than somebody's else's husband and, as the Senator from Kennebec has said, it is 100 percent used for pettiness.

It is a waste of money, but it is the philosophy of this that I am opposed to this. Historically I have been opposed to it on these grounds. I think it demeans the state employees to do this, and I would hope that you would vote yes on my motion for indefinite postponement, and I shall request a roll call, Mr. President.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I rise in support of the Senator from Waldo, Senator Greeley. I disagree with the statements made by the Senator from Cumberland, Senator Berry, I have never had anyone ask for my book when I have received it each session. I have used this book not so much for the salaries but for an information book to get in touch with certain employees, which would be difficult to get if they weren't listed in this book. And I would urge passage of this order.

The PRESIDENT: The Chair recognized the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: In support of the motion for the indefinite postponement of this order, I would like to remind the members of the Senate that this information concerning wages and salaries paid state employees is available to us as legislators with respect to specific departments and agencies of state government.

I think the Snoop Book, in all deference to the good Senator, is in fact aptly named, and I therefore hope that you will vote to indefinitely postpone this order.

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

Mr. JOLY: Mr. President and Members of the Senate: I am a new Senator and I don't know too much about this, but it bothers me, the name that has been put on it. It seems to me this is simply public information and these people who are being paid by the state are being paid by taxpayers' money, and certainly perhaps there should be more than 200 printed.

I would suggest, and I may be out of order, that this be tabled until we do find out roughly how much this costs, and perhaps that would help some of us new members to make up our minds, but I would like to have some idea of the cost of this.

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

Mr. BRENNAN: Mr. President and Members of the Senate: This is not exactly a cause celebre with me. I frankly support the order. I am very interested, in reviewing some past terms I have spent in this legislature, about how people are concerned with the Snoop Book, as some of these very same people had no problem whatsoever voting for wiretapping, which I think goes to a very basic issue.

I think the trend in government today is to open things up. I think state salaries are a legitimate question in this legislature. I think this legislature has to vote the money for state salaries. I think for some of the leadership it is awful easy for them to get these things, but sometimes it is probably a little more difficult for the non-leadership. I think it is probably a lot easier for lazy folks like myself too, if the book is there and I can make a judgment, rather than running around to every department. And I think it is nice and easy to put a little characterization on it as a "Snoop Book"; it makes it seem like a bad or a naughty thing. But I think when we get to the real things about snooping, I am concerned about things like wiretapping and things of that nature. I think this is a legitimate thing for state legislators to have, and I oppose the

motion. Again, I oppose the motion in my individual capacity, and not in my capacity as the alleged leader of eleven Democrats.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that House Paper 664, Joint Order dealing with publication of state employees' salaries, be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution 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 will restate the question. The pending question is the motion of the Senator from Cumberland, Senator Berry, that Joint Order, House Paper 664, Item 1-1 on the calendar, be indefinitely postponed. A "Yes" vote will be in favor of the indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Conley, Danton, Katz, Richardson, Sewall, Shute, Speers and Tanous.

NAYS: Senators Aldrich, Anderson, Brennan, Cianchette, Clifford, Cox, Cummings, Cyr, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Kelley, Marcotte, Minkowsky, Morrell, Olfene, Peabody, Roberts, Schulten, Wyman, and President MacLeod.

A roll call was had. Nine Senators having voted in the affirmative, and twenty-four Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

Thereupon, the Joint Order received Passage in concurrence.

Order

WHEREAS, the median compensation paid to state legislators in the 50 states is in excess of \$14,500 per biennium; and

WHEREAS, Maine's biennial compensation of \$3,500 ranks forty-

third in the nation, far below the national average; and

WHEREAS, Maine Legislators should be compensated for their services to the People of the State of Maine in fair, just and reasonable manner; and

WHEREAS, legislative salaries ought not be so low as to discourage citizens from seeking office nor so high as to give sole reason for that pursuit; and

WHEREAS, determination of what is fair, just and reasonable compensation for the Legislature is a difficult task which ought to be resolved by a group of citizens independent of the Legislature; now, therefore, be it

ORDERED, the Senate concurring that there is created a Legislative Compensation Commission consisting of 9 public members, all residents of the State, chosen from the public at large without regard to political affiliation in the following manner: 3 to be appointed by the President of the Senate; 3 to be appointed by the Speaker of the House of Representatives and 3 to be appointed by the Governor. No members of the commission shall be an officer or employee of the federal, state, county, municipal or other unit of government, to which government funds are appropriated. Vacancies shall be filled in the same manner as the original appointments for the unexpired term and the commission shall elect one of its members chairman; and be it further

ORDERED, that it shall be the purpose of the commission, among any others, that the commission may determine pursuant to the terms of this Order to

a. Review and evaluate the work done by the Members of the Maine State Legislature and compare the level of work performed and compensation received with other policy-makers within the State, including, but not limited to, heads of state departments, businessmen, executives and others charged with the responsibility of determining policies for large organizations;

b. Consult with recognized authorities in the area of legislative compensation, such as other state governments, The Council of

State Governments and other service organizations for the purpose of drawing upon their experiences;

c. Recommend to the Legislature compensation which it deems fair and equitable in view of the services rendered to the People of the State;

d. Make a recommendation concerning the compensation for expenses for legislative officers;

e. And for the purpose of this inquiry, any subject or matter adjudged by the commission to be relevant or germane to the subjects of its study or helpful to it in the consummation of the work hereunder shall be deemed within the scope of the commission's inquiry hereunder; and be it further

ORDERED, that the commission shall report the results of its investigation and study to the next session of the 106th Legislature; and be it further

ORDERED, that all state departments and agencies are respectfully requested to provide the commission to the extent possible with any needed information and assistance and make available to the commission, as needed, the services of persons knowledgeable in the field, and be it further

ORDERED, that the members of the commission be compensated for time spent in attendance of meetings and when engaged in performance of duties under instructions of the commission and authorization by its chairman at the rate of \$25 per day and actual expenses incurred in the performance of their duties under this Order, such sums to be paid out of the Legislative Account; and be it further

ORDERED, that the commission shall have the authority to employ professional and clerical assistance within the limits of funds provided; and be it further

ORDERED, that there is allocated to the committee from the Legislative Account the sum of \$5,000 to carry out the purposes of this Order. (H. P. 665)

Comes from the House, Read and Passed.

Which was Read.

The PRESIDENT: Is it now the pleasure of the Senate that this

Joint Order receive passage in concurrence?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I understand that we have been discussing areas of legislative reform, and I wonder if we might not be duplicating some of the efforts that we are presently discussing in this area. This is one question that I had: if this was in line with what we have been discussing about legislative reform.

The second item that I questioned, Mr. President and Members of the Senate, was whether any member from the legislature should serve, whether it is appropriate for him to serve, on a commission of this type.

These are questions that I have in my mind, and I wonder if other members share these questions with me. Thank you.

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

Mr. Katz: Mr. President, Ladies and Gentlemen of the Senate: This Joint Order originated within the Interim Committee on Legislative Reform. It was written as a result of consultation with the Eagleton Institute and it is patterned after procedures that have been followed with some success in other states. I hope it passes.

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

Mr. BERRY: Mr. President and Members of the Senate: In answering the question of Senator Tanous from Penobscot about any conflict here with any proposed legislative changes, I really see none. A committee such as this would serve to throw light on the problem of legislative salaries, regardless of what comes out of this legislature, and it has the meritorious aspect that it will be a continuing committee which will constantly review legislative salaries.

I think there is a possibility that in some people's minds this might be unnecessary perhaps this term, but I think it should perhaps go through and get working, and then

two years or four years from now we will see some tangible results.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Order receive passage in concurrence?

Thereupon, the Joint Order received Passage in concurrence.

Joint Resolution

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Three

IN MEMORIAM

WHEREAS, it is with great sadness we learn of the unexpected death of the Honorable Harold E. Barnes, Sr., of Alton; and

WHEREAS, he was a man of great faith, a devoted husband and father who had a particular love for sports, music and the Legislature; and

WHEREAS, in his mild, soft-spoken manner he was effectively serving his third consecutive term as a Member of the House of Representatives; and

WHEREAS, his untimely passing is a great and tragic loss to his family, his friends and the people of the State of Maine; now, therefore, be it

RESOLVED: That we, the Members of the One Hundred and Sixth Legislature now assembled, rise to record a moment of silent tribute to the memory of that gentleman from Alton, Mr. Barnes, and to tender our deepest sympathy to the bereaved family with assurances of sharing their personal loss; and be it further

RESOLVED: That when the Senate and House of Representatives adjourn this day we do so out of respect to our departed colleague; and be it further

RESOLVED: That copies of this Joint Resolution, suitably engrossed, be immediately transmitted by the Secretary of State to the family of the deceased as a lasting token of our esteem.

(H. P. 694)

Comes from the House, Read and Adopted.

Which was Read.

The PRESIDENT: The Chair would ask the Senate as an expression of their approval that this

resolution be adopted to please rise for a moment of silence.

Thereupon, the Senators stood for a moment of silent tribute and the Joint Resolution was Adopted in concurrence.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act to Increase Payments to Forestry Department for Forest Fire Protection in Indian Township." (H. P. 569) (L. D. 748)

Bill, "An Act to Increase Payments to Forestry Department for Forest Fire Protection in Baxter State Park." (H. P. 570) (L. D. 749)

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

On motion by Mr. Schulten of Sagadahoc, the above two bills were referred to the Committee on Taxation in non-concurrence and Ordered Printed.

Sent down for concurrence.

Communication

STATE OF MAINE
Department of
Educational and Cultural Services
Augusta, Maine 04330

February 13, 1973

Mr. Harry N. Starbranch
Secretary of the Senate
106th Legislature

Dear Mr. Starbranch:

Submitted herewith are copies of A Plan to Extend Vocational Education to All Secondary Students in Maine prepared by The Department of Educational and Cultural Services and the State Board of Education as directed by the special session of the 105th Legislature.

Respectfully,

(Signed)

CARROLL R. McGARY
Commissioner

Which was Read and with
accompanying papers
Ordered Placed on File.

Senate Papers Appropriations and Financial Affairs

Mr. Brennan of Cumberland presented Bill, "An Act Authorizing a Deficiency Appropriation to the Department of the Attorney General for the Present Fiscal Year." (S. P. 267)

Mr. Danton of York presented Resolve, Providing Funds for the Maintenance of Ocean Beaches. (S. P. 278)

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

Sent down for concurrence.

Business Legislation

Mr. Aldrich of Oxford presented Bill, "An Act to Prohibit Interlocking Directorates in Banking Institutions." (S. P. 279)

Mr. Roberts of York presented Bill, "An Act to Reconstitute and Place a Consumer Member on the Maine Real Estate Commission." (S. P. 280)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

(See action later in today's session.)

Education

Mrs. Cummings of Penobscot presented Bill, "An Act Creating Regional Library Systems." (S. P. 281)

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

Sent down for concurrence.

Election Laws

Mr. Clifford of Androscoggin presented Bill, "An Act Pertaining to the Posting of Voting Lists." (S. P. 282)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

Health and Institutional Services

Mr. Greeley of Waldo presented Bill, "An Act Clarifying Sprinkler System Requirements in Boarding Homes." (S. P. 283)

Which was referred to the Committee on Health and Institu-

tional Services and Ordered Printed.

Sent down for concurrence.

Legal Affairs

Mr. Clifford of Androscoggin presented Bill, "An Act to Simplify the Procedures on Municipal Charter Amendment Elections." (S. P. 284)

Mr. Joly of Kennebec presented Bill, "An Act Relating to Management of Endowment Funds of Educational, Religious and Charitable Organizations." (S. P. 285)

The same Senator presented Bill, "An Act to Extend Law Relating to Construction and Effect of Repealing Acts to Include Municipal Ordinances." (S. P. 286)

Which were referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Marine Resources

Mr. Huber of Knox presented Bill, "An Act Relating to Marine Fishery Regulations." (S. P. 287)

Which was referred to the Committee on Marine Resources and Ordered Printed.

Sent down for concurrence.

Natural Resources

Mr. Clifford of Androscoggin presented Bill, "An Act to Specify the Date for Closing of Open Burning Dumps in Maine." (S. P. 288)

Mr. Shute of Franklin presented Bill, "An Act Relating to Disposal of Septic Tank or Cesspool Waste." (S. P. 289)

Which were referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Public Lands

Mr. Richardson of Cumberland presented Bill, "An Act Repealing Certain Definition of Timber and Grass Relating to the Public Lots." (S. P. 290)

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

Sent down for concurrence.

State Government

Mr. Clifford of Androscoggin presented Bill, "An Act Relating

to Regional Planning." (S. P. 291)

Mr. Brennan of Cumberland presented Resolution, Proposing an Amendment to the Constitution to Permit Appointment of Judges of Probate. (S. P. 292)

Mr. Cox of Penobscot presented Resolution, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature. (S. P. 293)

Mr. Clifford of Androscoggin presented Resolution, Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-year Terms. (S. P. 294)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Transportation

Mr. Shute of Franklin presented Bill, "An Act Relating to Snow Removal on State Highways in Built-up Sections of Certain Municipalities." (S. P. 295)

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

Sent down for concurrence.

Reconsidered Matter

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its previous action whereby Bill, "An Act to Reconstitute and Place a Consumer Member on the Maine Real Estate Commission," (S. P. 279), was referred to the Committee on Business Legislation.

The PRESIDENT: The Chair recognizes that same Senator.

Mr. SPEERS: Mr. President and Members of the Senate: Inasmuch as this would reconstitute the Maine Real Estate Commission, and has to do with the number of members on that Commission, I now move that this bill be sent to the Committee on State Government.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that Bill, "An Act to Reconstitute and Place a Consumer Member on the Maine Real Estate Commission," Senate Paper 279, be referred to the Committee on State Government, ordered printed and

sent down for concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Committee Reports House

The Committee on Legal Affairs on Bill, "An Act Relating to Designation of an Official in Absence or Disability of Town Manager." (H. P. 198) (L. D. 271)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Changing the Name of the Research and Education Trust." (H. P. 200) (L. D. 273)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on Resolve, Authorizing the Carrying Forward of Appropriation to Aid in Construction of Swimming Pool at Pineland Hospital and Training Center. (H. P. 269) (L. D. 376)

Reported that the same Ought to Pass.

Come from the House, the Bills and Resolve Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Fisheries and Wildlife on Bill, "An Act Relating to Penalty for Not Having a License Issued under Fish and Game Laws." (H. P. 185) (L. D. 227)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-24).

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

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

Divided Report

The Majority of the Committee on Agriculture on Bill, "An Act Relating to the Control of Dogs." (H. P. 5) (L. D. 5)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-25).

Signed:

Senators:

PEABODY of Aroostook

HICHENS of York

Representatives:

MAHANY of Easton

MORIN of Fort Kent

ALBERT of Limestone

HUNTER of Benton

PRATT of Parsonsfield

COONEY of Sabattus

ROLLINS of Dixfield

EVANS of Freedom

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

Signed:

Senator:

CYR of Aroostook

Representative:

BERRY of Buxton

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read, the Majority Ought to Pass Report of the Committee Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Exempting Clothing from the Sales Tax." (H. P. 21) (L. D. 21)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington

COX of Penobscot

Representatives:

SUSI of Pittsfield

FINEMORE

of Bridgewater

IMMONEN of West Paris

MERRILL of Bowdoinham

MORTON of Farmington

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

Signed:

Senator:

FORTIER of Oxford

Representatives:

DAM of Skowhegan

MAXWELL of Jay

DRIGOTAS of Auburn

DOW of West Gardiner

COTTRELL of Portland

Comes from the House, the Minority Report Read and Accepted and the Bill Indefinitely Postponed.

Which reports were Read.

Mr. Wyman of Washington then moved that the Bill and all accompanying papers be indefinitely postponed in concurrence.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I oppose that motion. First, what this bill does is that it would provide an exemption from the sales tax for clothing up to \$175. I personally do not think that that is very workable administratively. If we accept the minority report I would plan to offer an amendment to make it a full exemption because the difference price-wise is very little.

Now, the bill as drafted apparently would cost the State of Maine approximately \$10 million a year. If there was a full exemption it would be about \$11½ million a year. I appreciate that the funds are not necessarily available right now for this, but I would like to see this bill nursed along to the appropriations table with the bee hive bills and some of these other bills, and I think then come June, when we have a chance to look at the revised estimates, we will be in a better position to make a determination as to whether or not this bill could be funded or if we can afford to lose that source of revenue.

Now, looking at the way things are generating out of Washington, I suspect that there is some serious problem as to whether or not we will be able to provide any new

exemptions. We may well be looking for new sources of revenue if the State of Maine is going to meet its responsibilities to the aged and the poor in this state. However, I think at this time the responsible thing to do would be to defeat the motion to indefinitely postpone, support the minority report so we could offer an amendment on the next legislative day to make it a complete exemption, and let it go along to the appropriations table where at that time we can make an intelligent judgment as to whether or not we have the funds to allow for this exemption which would give a break to the working man in this state.

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

Mr. BERRY: Mr. President and Members of the Senate: Actually what the Senator from Cumberland, Senator Brennan, is trying to do is implement a longstanding philosophical gimmick of his party, which is to repeal the sales tax in toto, and as a good politician the Senator of course is approaching it, as we all would, in a piecemeal fashion. I admire his practicality, and I recognize the tricks when I see them because I try them myself, of course.

So let's face it, not on any tearjerking plea about the poor fellow who needs to spend, say, five cents on the dollar when he buys something to keep him warm; let's come right out and face the issue of do you want to have a sales tax. It may be that we do have so much money, as Senator Brennan from Cumberland says, that we can let this go to the appropriations table — again, a nice political gimmick, incidentally — let it go to the appropriations table and then we have got so much money that we will decide to do it. No, I don't think that is the way to do it. Let's face it right here and now this morning. This is just a little gimmick to try to undermine and erode the sales tax. This amounts to somewhere around 20 per cent of the total annual take of the sales tax. That is how important the item is that we are talking about.

Now, if we want to talk about the philosophy of an income tax or sales tax, let's debate it on that issue. We will have plenty of time to do it later in the session. I would strongly suggest that we endorse the position of Senator Wyman and the majority report of the committee, and I would ask for a division when the vote is taken.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: Apparently the good Senator from Cumberland, Senator Berry, has not looked over the total number of troops that occupy the seats here in this body, and obviously the Democrats are far outnumbered.

I think what the good Senator from Cumberland, Senator Brennan, is suggesting is that we wait until the final days of this session when we clear the appropriations table to have an opportunity to intelligently look at the fiscal status of our state. I think many of us were shocked to come back to the 106th Legislature to find that we had a surplus of \$53 million. Obviously if the state is that wealthy, and if it continues to prosper as it has in the last two years, there is an opportunity here that we may be able to give to the people of this state. And it is just not the poor little people that Senator Berry refers to but it is to everybody in the state. We have always recognized the sales tax as a regressive tax. This won't just affect one segment of our population; the entire state will be able to enjoy it.

When the vote is taken, Mr. President, I would request that the vote be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President and Members of the Senate: Being not at all concerned of course about the record, I do wish to indicate why I shall vote to accept the ought not to pass

report concerning this legislation. I am one of those who I believe three years ago, and I should remember the date, fought, bled and died over the income tax. Having done that, I know how difficult it is for those of us who are elected to public office sometimes to face the realities of the tax situation.

My good friend from Portland, the Senate Minority Leader, wants to propose a comprehensive tax reform package, replacing the property tax as a means of funding public education with a more broad based and more equitable tax based on ability to pay rather than a fortuitous circumstance, many times fortuitous, as to how large your house is; and if the good Senator from Cumberland, Senator Brennan, wants to propose increasing some other tax, either the income tax or some other form of taxation, in order to make up the revenue loss generated by this; and if the Minority Leader of the Senate, again the good Senator, wants to devise some sort of program to provide that non-residents who make purchases here in Maine have a sense of participation in Maine government in some other way, then I should be only too happy to support such a program.

As it is, I think that the Majority Leader of the Senate has correctly characterized this as gimmickry. It is politically appealing and at first blush it might appear to be a very exciting idea. I think it is irresponsible and, unless and until there is some sort of program to make up the revenue loss which would be effected by passing this bill, I intend to vote against the bill and for the acceptance of the ought not to pass report.

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

Mr. BRENNAN: Just very briefly, Mr. President and Members of the Senate, these charges of gimmickry are thrown around, and I don't think it gimmickry as to whether or not clothing should be exempted from the sales tax, because that is the issue before the Senate right now; not property tax and the rest of these taxes. And the position that we have

taken I think is a very responsible position. We are not saying that we can do it definitely now, but let's put it on the appropriations table. Let's put it in a situation in June where we have all the data available to us on just exactly what the financial status of this state is. And if that money is available, I could think of nothing better to do for the working man or for the average person in this state than to remove that exemption.

The Legislature in its wisdom some years ago, when it passed the sales tax, decided to exempt food. And I personally see no meaningful difference in reference to exemptions between food and clothing. I think clothing has the same status clearly. So I think our position is very responsible; we are not asking for it now, but I think it ought to go on the appropriations table so we can intelligently make a decision come June of this year — hopefully June.

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

Mr. SHUTE: Mr. President, may I inquire if the motion is to accept the ought not to pass report or for indefinite postponement?

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act Exempting Clothing from the Sales Tax", be indefinitely postponed in concurrence.

Mr. SHUTE: Mr. President and Members of the Senate: I agree with the motion that Senator Wyman has made. I believe that this item is unnecessary. I do think it is a political device that has been entered by a member of the other body and it is irresponsible in that it does not carry any provision for making up \$20 million in the biennium.

I think it would have been much more responsible had the individual who entered this offered a proposition whereby children's shoes and children's clothing might be exempted from the sales tax; this might have been the proper approach. It wasn't offered. I cannot support this because I think it is irresponsible, in addition to

the fact that I think it should be remembered that out-of-state purchasers pay a large share of our sales tax, in addition to our own people. \$20 million is a lot of money to make up. I shall vote to support the motion of Senator Wyman.

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

Mr. GREELEY: Mr. President and Members of the Senate: The way I understand it, this bill comes from the House indefinitely postponed, and my question would be: how are we going to get it on the appropriations table until the other body passes it?

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act Exempting Clothing from the Sales Tax," be indefinitely postponed. 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 of the Senator from Washington Senator Wyman, that Bill, "An Act Exempting Clothing from the Sales Tax", be indefinitely postponed in concurrence. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Anderson, Berry, Cianchette, Cox, Cummings, Graffam, Greeley, Hichens, Huber, Joly, Katz, Minkowsky, Morrell, Olfene, Peabody, Richardson, Roberts, Schulden, Sewall, Shute, Speers, Tanous, Wyman and President MacLeod.

NAYS: Senators Brennan, Clifford, Conley, Cyr, Danton, Fortier, Kelley and Marcotte.

A roll call was had. Twenty-five Senators having voted in the affirmative, and eight Senators

having voted in the negative, the Bill was Indefinitely Postponed in concurrence.

Senate

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Prohibiting the Feeding of Public or Commercial Garbage to Swine." (S. P. 100) (L. D. 245)

Bill, "An Act Prohibiting Pony Pulling Contests." (S. P. 101) (L. D. 246)

Second Readers

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

House

Bill, "An Act to Revise Maine Boat Law to Conform with Federal Law." (H. P. 62) (L. D. 74)

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

House — As Amended

Bill, "An Act Changing Name of the Pine Tree Warriors, Inc." (H. P. 20) (L. D. 20)

(On motion by Mr. Clifford of Androscoggin, temporarily set aside.)

Bill, "An Act Prohibiting Swimming or Bathing in Upper and Lower Hadlock Ponds, Hancock County." (H. P. 109) (L. D. 129)

Bill, "An Act Prohibiting Pollution of Eagle Lake, Hancock County." (H. P. 142) (L. D. 175)

Bill, "An Act Relating to Discharge of Mortgages, Attachments and Liens." (H. P. 120) (L. D. 144)

Bill, "An Act Prohibiting Swimming or Bathing in Jordan Pond, Hancock County." (H. P. 116) (L. D. 136)

Which were Read a Second Time and, except for the matter set aside, Passed to be Engrossed, as Amended, in concurrence.

The President laid before the Senate the matter previously set aside at the request of Mr. Clifford of Androscoggin:

Bill, "An Act Changing Name of the Pine Tree Warriors, Inc." (H. P. 20) (L. D. 20)

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-13, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act to Clarify the State Records Law." (S. P. 68) (L. D. 170)

Bill, "An Act to Increase Outdoor Advertising License and Permit Fees and Extend Controls." (S. P. 276) (L. D. 764)

Which were 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 Relating to Manner of Transferring Investment Securities under Uniform Commercial Code. (H. P. 136) (L. D. 159)

An Act Relating to Collection of the Blueberry Tax. (S. P. 74) (L. D. 191)

An Act Relating to the Holding of Securities by Fiduciaries and by Custodians of Fiduciaries. (H. P. 137) (L. D. 160)

An Act Exempting Fuels Used to Burn Blueberry Fields from the Sales Tax. (H. P. 86) (L. D. 106)

(On motion by Mr. Conley of Cumberland, tabled and specially assigned for February 20, 1973, pending Enactment.)

An Act Relating to Interest and Penalties with Respect to Motor Fuel Taxes. (H. P. 217) (L. D. 290)

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

Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (S. P. 58) (L. D. 141)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Emergency

An Act Increasing Compensation of Assistant Secretary of the Senate and the Assistant Clerk of the House of Representatives. (H. P. 76) (L. D. 89)

This being an emergency measure and, having received the affirmative votes of 29 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.

Emergency

An Act Appropriating Funds for the Maine Commission on Drug Abuse. (S. P. 51) (L. D. 105)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Orders of the Day

The President laid before the Senate the following tabled and specially assigned matter:

Bill, "An Act Providing for Reduced Rates for Senior Citizens Using State Recreation and Camping Areas." (H. P. 526) (L. D. 708)

Tabled — February 13, 1973 by Senator Berry of Cumberland.

Pending — Reference.

On motion by Mr. Berry of Cumberland, referred to the Committee on Appropriations and Financial Affairs in non-concurrence and Ordered Printed.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot,

Adjourned until 1:30 tomorrow afternoon.