

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, June 14, 1973

Senate called to order by the President.

Prayer by the Rev. Warren Benner of Gardiner.

Reading of the Journal of yesterday.

Papers From The House**Non-concurrent Matter**

Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 645) (L. D. 1980)

In the House, June 6, 1973, Passed to be Engrossed as Amended by Senate Amendment "A" (S-204) as Amended by House Amendment "A" Thereto, (H-514) in non-concurrence.

In the Senate June 11, 1973, Passed to be Engrossed as Amended by Senate Amendments "A" (S-204) and "B" (S-228), in non-concurrence.

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

On motion by Mr. Tanous of Penobscot, the Senate voted to Insist and Join in a Committee of Conference.

Non-concurrent Matter

Bill, "An Act Creating the Office of Public Defender." (S. P. 660) (L. D. 2015)

In the Senate June 8, 1973, the Minority Ought Not to Pass report Read and Accepted.

Comes from the House, the Bill Passed to be Engrossed in non-concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers." (S. P. 618) (L. D. 1934)

In the Senate May 31, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-562), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Communications

State of Maine

One Hundred and

Sixth Legislature

Committee on Business Legislation

June 12, 1973

Honorable Kenneth P. MacLeod

President of the Maine Senate

State House

Augusta, Maine 04330

Dear President MacLeod:

The Committee on Business Legislation is pleased to report the completion of that business of the 106th Legislature that was placed before this Committee.

Total Number

of Bills Received 107

Ought to Pass 34

Ought Not to Pass 17

Ought to Pass

as Amended 13

Ought to Pass In

New Draft 10

Divided Report 21

Leave to Withdraw 10

Referred to Another Committee 2

Sincerely,

JOHN H. COX

Chairman

Which was Read and Ordered Placed on File.

Committee Reports**House****Leave to Withdraw**

The Committee on Judiciary on, Bill, "An Act Prohibiting the Unlawful Interference with Operation of Aircraft." (H. P. 934) (L. D. 1233)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which report was Read and Accepted in concurrence.

Leave to Withdraw-**Covered by Other Legislation**

The Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council. (H. P. 12) (L. D. 12)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of

Gubernatorial Appointments and their Confirmation. (H. P. 14) (L. D. 14)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation (H. P. 732) (L. D. 942)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Abolishing the Executive Council and Changing the Legislature to a One Body System. (H. P. 1275) (L. D. 1676)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and Establishing Single Member Districts. (H. P. 1285) (L. D. 1706)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Provide Single Member Districts, Apportion and Reduce the Number of Legislators in the House of Representatives; Increase the Terms of Senators; Abolish the Executive Council and Reassign its Constitutional Powers; provide for Annual Sessions of the Legislature; Provide for Appointment of the Attorney General, Secretary of State and Treasurer by the Governor. (H. P. 1354) (L. D. 1860)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council. (H. P. 37) (L. D. 44)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Additional Funds to Various Departments for the Fiscal Year Ending June 30, 1973." (H. P. 1603) (L. D. 2024)

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, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Taxation on, Bill, "An Act to Amend the Elderly Householders Tax Relief Act." (H. P. 1265) (L. D. 1641)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-528).

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.

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

Mr. BERRY: Mr. President and Members of the Senate: I would move that the rules be suspended and this bill be passed to be engrossed. I would take this occasion to advise the members of the Senate that this will help us speed up the hoped for day of adjournment by moving things along one day faster. If anybody has any objections at any time to such a procedure, please don't hesitate to make your views known. I certainly won't do this on any controversial matter, but for run-of-the-mill legislation it is our intention to suspend the

rules and pass bills to be engrossed on the day of first reading.

The PRESIDENT: Is it now the pleasure of the Senate, under suspension of the rules, that this bill be given its second reading at this time by title only?

The motion prevailed.

Thereupon, the Bill, as Amended, was Passed to be Engrossed in concurrence.

The Committee on Labor on, Bill, "An Act to Amend the Employment Security Law." (H. P. 1212) (L. D. 1574)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-538).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-558).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read.

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

Mr. TANOUS: Mr. President, I just want to explain briefly the contents of this particular bill because some questions were asked of me just a moment ago about it. This bill is merely to conform to some of the new federal regulations which mandate the states to conform.

There are other sections in this particular bill that call for increases in unemployment contributions which would probably cost the fund somewhere in the area of \$8½ million and these items were deleted from the bill by a committee amendment.

The PRESIDENT: The Secretary will now read House Amendment "A" to Committee Amendment "A".

House Amendment "A" to Committee Amendment "A" was Read and adopted in concurrence and Committee Amendment "A", as Amended by House Amendment "A" Thereto, was Adopted in concurrence.

Thereupon, under suspension of the rules, the Bill, as Amended, was given its Second Reading and

Passed to be Engrossed in concurrence.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Changing the Dates for Registration of Automobiles." (H. P. 1465) (L. D. 1890)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1597) (L. D. 2023)

Signed:

Senators:

GREELEY of Waldo
SHUTE of Franklin
CIANCHETTE

of Somerset

Representatives:

WOOD of Brooks
McCORMICK of Union
BERRY of Madison
KEYTE of Baxter
FRASER of Mexico
WEBBER of Belfast
STROUT of Corinth

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

Signed:

Representatives:

DUNN of Portland
McNALLY of Ellsworth
JACQUES of Mexico

Comes from the House, the Majority report Read and Accepted and the Bill in New Draft Passed to be Engrossed.

Which reports were Read.

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Increasing the Gasoline Tax." (H. P. 647) (L. D. 863)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-540).

Signed:

Senators:

WYMAN of Washington
COX of Penobscot
FORTIER of Oxford

Representatives:

SUSI of Pittsfield
DOW of West Gardiner

MAXWELL of Jay
MORTON of Farmington
MERRILL

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

Signed:

Representatives:

FINEMORE

of Bridgewater
IMMONEN of West Paris
DAM of Skowhegan
COTTRELL of Portland
DRIGOTAS of Auburn

Comes from the House, the
Majority report Read and Accepted
and the Bill Passed to be En-
grossed as Amended by Commit-
tee Amendment "A".

Which reports were Read.

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

Divided Report

The Majority of the Committee
on Judiciary on, Bill, "An Act
Relating to the Transfer of
Prisoners Committed to County
Jails," (H. P. 1242) (L. D. 1613)

Reported that the same Ought
Not to Pass.

Signed:

Representatives:

BAKER of Orrington
PERKINS of So. Portland
CARRIER of Westbrook
DUNLEAVY

of Presque Isle
McKERNAN of Bangor
KILROY of Portland
GAUTHIER of Sanford
HENLEY of Norway
WHEELER of Portland

The Minority of the same
Committee on the same subject
matter reported that the same
Ought to Pass in New Draft under
Same Title (H. P. 1605) (L. D.
2026)

Signed:

Senators:

TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland

Representatives:

WHITE of Guilford

Comes from the House, the
Majority report Read and
Accepted.

Which reports were Read.

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

Mr. CONLEY: Mr. President, I
wonder if perhaps a member of
the Judiciary Committee could
explain the reason for the three
Senators signing the Minority Re-
port?

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

Thereupon, Mr. Tanous of
Penobscot moved that the Senate
Accept the Minority Ought to Pass
in New Draft Report of the
Committee in non-concurrence.

The PRESIDENT: The Senator
has the floor.

Mr. TANOUS; Mr. President and
Members of the Senate: This bill
was prepared by Courtland Perry
of the Attorney General's office,
and it is to conform with recent
legislation in the transfer of
prisoners. For anybody that has
been committed to the county jail
for a period of sixty days or longer,
this bill would provide that the
prisoner, at his request, could be
transferred to one of our correc-
tional centers, if he so desires, for
rehabilitation training.

I personally feel this is a good
bill. Unfortunately, I wasn't able to
convince the Judiciary Committee.
But this provides for any prisoner
that is committed to the county
jail for any period longer than
sixty days, and up to a year, this
would provide that they could be
transferred to a correctional center
for rehabilitation purposes. It
might include an individual who
was jailed for intoxication, for in-
stance, who might get rehabilita-
tion treatment at a correctional
center that he would not be able to
get at a county jail.

It is for that reason that I move
we accept the Minority Ought to
Pass in New Draft Report of the
Committee.

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

Mr. HICHENS: Mr. President, through the Chair, I would ask a question of anyone who wants to answer: How many persons are committed to the county jails for sixty days or over?

The PRESIDENT: The Senator from York, Senator Hichens, has posed a question through the Chair to any Senator who may answer if he desires. The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President, frankly I don't know; I don't frequent the county jails that often. But from reading the newspapers, I would say that there is a fair number that get anywhere from sixty days to eleven months. I don't think really it is the number that matters, but I think if we are able to rehabilitate just one of these individuals then the law on the books would certainly serve its purpose. Thank you.

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

Mr. HICHENS: Mr. President, I would rise to oppose the motion then, and ask for a division when the vote is taken.

A little earlier in the session, we had a bill before us relating to furloughs for county jail inmates. We were told at that time they were on work release programs, they were allowed to go out and look for jobs, they were allowed to go home and spend weekends with their families, and that it was a rehabilitative measure. If they are doing this already in the county jails, I don't see any reason for having them transferred to the different correctional centers and the county having to pay the cost while they are at these correctional centers.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee in non-concurrence on Bill, "An Act Relating to the Transfer of Prisoners Committed to County Jails." A division has been requested. As many Senators as

are in favor of the motion of the Senator from Penobscot, Senator Tanous, to accept the Minority Ought to Pass in New Draft Report will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 13 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the Minority Ought to Pass in New Draft Report of the Committee was Accepted in non-concurrence and the Bill in New Draft Read Once.

Thereupon, under suspension of the rules, the Bill in New Draft was given its Second Reading and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Clarify and Simplify the Administration of the Mechanic's Lien Law." (H. P. 1361) (L. D. 1817)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland

Representatives:

DUNLEAVY
of Presque Isle
KILROY of Portland
WHEELER of Portland
McKERNAN of Bangor

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

Signed:

Representatives:

PERKINS
of South Portland
WHITE of Guilford
CARRIER of Westbrook
BAKER of Orrington
GAUTHIER of Sanford
HENLEY of Norway

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed, as Amended by House Amendment "A" (H-561).

Which reports were Read, the Majority Ought to Pass Report of

the Committee Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence.

Thereupon, under suspension of the rules, the Bill, as Amended, was given its Second Reading.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Clarifying the Municipal Laws" (H. P. 1118) (L. D. 1454) have had the same under consideration, and ask leave to report: that the House recede from its action whereby the bill was passed to be engrossed as amended by Committee Amendment "A" (H-329) and House Amendment "C" (H-458), that the House adopt Conference Committee Amendment "A" (H-530) submitted herewith, pass the bill to be engrossed as amended by Committee Amendment "A" and House Amendment "C" and Conference Committee Amendment "A"; that the Senate recede from its action whereby it passed the bill to be engrossed as amended by Committee Amendment "A" (H-329), House Amendment "A" (H-349), Senate Amendment "A" (S-121) and Senate Amendment "B" (S-189); that it recede from adopting House Amendment "A" (H-349) indefinitely postpone House Amendment "A" (H-349), recede from adopting Senate Amendment "A" (S-121), indefinitely postpone Senate Amendment "A", recede from adopting Senate Amendment "B" (S-189), indefinitely postpone Senate Amendment "B", adopt House Amendment "C" (H-458), adopt Conference Committee Amendment "A" (H-530) and pass the bill to be engrossed as amended by Committee Amendment "A", House Amendment "C" and Conference Committee Amendment "A".

On the Part of the House:

EMERY of Rockland
SHUTE

of Stockton Springs

DAM of Skowhegan

On the Part of the Senate:

ALDRICH of Oxford
JOLY of Kennebec
ROBERTS of York

Comes from the House, the report Read and Accepted, and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-329), House Amendment "C" (H-458), and Conference Committee Amendment "A" (H-530).

Which report was Read.

Mr. Joly of Kennebec then moved that the Committee of Conference Report be Accepted in concurrence.

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Acceptance of the Committee Report.

Senate

Leave to Withdraw

Mr. Huber for the Committee on Marine Resources on, Bill, "An Act Relating to Sale of Crawfish or Imitation Lobster." (S. P. 237) (L. D. 688)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

(See action later in today's session.)

Leave to Withdraw - Covered by Other Legislation

Mr. Speers for the Committee on State Government on, Bill, "An Act Consolidating the Maine Industrial Building Authority, the Maine Municipal Securities Approval Board and the Maine Recreation Authority under the Department of Commerce and Industry." (S. P. 510) (L. D. 1597)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Graffam for the Committee on Fisheries and Wildlife on, Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Game for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (S. P. 666) (L. D. 2032)

Reported pursuant to Joint Order (S. P. 597) that the same Ought to Pass.

Which report was Read and Accepted and the Bill Read Once.

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Ought to Pass in New Draft

Mr. Speers for the Committee on State Government on, Bill, "An Act Relating to the Maine Industrial Building Authority." (S. P. 558) (L. D. 1722)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Create the Maine Guarantee Authority and to Amend the Maine Industrial Building Authority and Maine Recreational Authority Statutes" (S. P. 667) (L. D. 2033)

Which report was Read.

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

Mr. SPEERS: Mr. President, I would like to say a few words about this piece of legislation. It is a combination of a number of bills that we did have in the Committee on State Government having to do with the Maine Industrial Building Authority and the Maine Recreational Authority.

What the bill does, very simply, is combine the Maine Industrial Building, the Maine Recreational Authority, and the Maine Municipal Securities Approval Board, which altogether have 25 members at the present time, into one guarantee authority, called the Maine Guarantee Authority, with nine members on the new board.

This particular authority would take over all of the duties and the functions of the other three boards, and the Governor is to appoint an entirely new authority under this law.

We have set the salaries of the individuals who would be serving on this new Maine Guarantee Authority at \$100 a day for the Chairman and \$75 a day for the other members. We felt that this amount was justified and necessary to attract the kind of qualified

people that we would like to have serving on a board of this importance. This board will be passing upon whether or not the state should guarantee loans running into millions of dollars, and it was felt by the members of the Committee that it would be necessary to have very qualified individuals serve on this board to pass on such decisions.

The Maine Guarantee Authority is not placed as a part of the Department of Commerce and Industry, although the Commissioner of Commerce and Industry serves as an ex-officio member of the board of the new authority. It was felt that putting the authority into the Department of Commerce and Industry would in effect, be placing the board in a position whereby it would be passing upon the qualifications or the justifications of a project which would be sponsored by the Department of Commerce and Industry.

The legislation reduces the size of the guarantee that the Maine Guarantee Authority may make to \$2,500,000. At present the MIBA may make a guarantee of up to \$4,000,000 and the MRA up to \$3,400,000. So this legislation reduces both of those to \$2½ million.

The legislation would also require that the bank must assume a part of the guarantee that the state has assumed in toto in the past. It requires that the state will not be required to pay the high interest rates which have been negotiated by various borrowers but, in case of default, will rather pay a rate slightly in excess of the prime rate.

I think, with many of the problems that have been associated with MIBA and the MRA, that an attempt has been made to correct some of the errors that have been made in the past and to insure that they will not be made again in the future. I don't believe it would be possible to state flatly that this new board will never make any error, but I do feel that we have written into the legislation some very important safeguards. I would move the acceptance of the Ought to Pass in New Draft Report.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that the Senate accept the Ought to Pass in New Draft Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I thank the Senator from Kennebec, Senator Speers, for a very enlightening explanation of a bill which was well thought out and well put together by his committee, and I applaud the direction of the bill and its implementation.

The one thing that does bother me is that I don't think the \$100 a day is going to be the deciding factor in attracting the capable top-notch people we want, or personally want. I am afraid I still look upon these boards as at least partially public service, and the legislature's attitude toward the fact that it is partially public service has emerged time and time again with the establishment of other per diem for other boards with equally significant work to do. I would hope that this bill would not get a second reading today, but that there might be an opportunity for the committee to review the level of payment to the members of the board.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee?

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Reconsidered Matter

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its prior action whereby the Leave to Withdraw Report of the Committee on Marine Resources was Accepted on Bill, "An Act Relating to Sale of Crawfish or Imitation Lobster." (S. P. 237) (L. D. 688)

On further motion by the same Senator, the Bill was substituted for the Committee Report, Read Once and Tomorrow Assigned for Second Reading.

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act

Revising the Laws Governing Admission to Mental Health Facilities." (S. P. 487) (L. D. 1570)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 668) (L. D. 2034)

Which report was Read and Accepted and the Bill in New Draft Read Once.

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Repealing the Bank Stock Tax." (H. P. 1491) (L. D. 1919) ask leave to report: that the House recede and concur with the Senate and Pass the Bill to be Engrossed.

On the part of the Senate:

WYMAN of Washington

COX of Penobscot

FORTIER of Oxford

On the part of the House:

HENLEY of Norway

FINEMORE

of Bridgewater

COONEY of Sabattus

Which report was read.

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

Mr. KATZ: Mr. President, this bill is causing deep consternation within my constituents, and there is a good deal of thought that it will leave us floating in a sea of fiscal indecision and disaster. I cannot love this conference committee report, and I must vote against it. Therefore, I will move that the committee of conference report be rejected, and request a division.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reject the report of the committee of conference, and a division has been requested.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: I do hope that you will vote against the

motion of the good Senator from Kennebec, Senator Katz.

This bill was studied at length in committee. It was also studied at length by the conference committee. The State Treasurer approved of it. There has not been a single bank that has appeared either before the committee or contacted me, at least, in opposition to the bill, although all the banks admit that it broadens the tax base to the extent that the overall tax collection from the banks will probably be approximately twice what they are now.

The distribution will be in proportion to the services rendered by the municipalities to these banks, which is not taken into consideration at the present time. The present method of distribution simply benefits the towns where the stockholders happen to reside. So, in view of the fact that it broadens the tax base, it gives a more equitable distribution, and facilitates the work a great deal in the Treasurer's office, I sincerely hope you will oppose the motion before the Senate.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate reject the report of the committee of conference. A division has been requested. As many Senators as are in favor of rejecting the report of the committee of conference will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. One Senator having voted in the affirmative, and 27 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Committee of Conference Report was Accepted.
Sent down for concurrence.

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws" (S. P. 645) (L. D. 1980), the President appointed the following Conferees on the part of the Senate:
Senators:

TANOUS of Penobscot
RICHARDSON

of Cumberland
BRENNAN of Cumberland

Second Readers

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

House

Bill, "An Act Relating to Supplemental County Budgets." (H. P. 1594) (L. D. 2018)

Bill, "An Act Providing for Fine or Suspension under Laquor Laws." (H. P. 1595) (L. D. 2019)

Bill, "An Act Relating to Family Planning Services." (H. P. 1367) (L. D. 1823)

Bill, "An Act Relating to Severance Pay for Employees." (H. P. 1585) (L. D. 2012)

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

House - As Amended

Bill, "An Act to Amend the Workmen's Compensation Act to Make Compensation for Permanent Partial Incapacity Coextensive with the Duration of Disability." (H. P. 1409) (L. D. 1849)

Bill, "An Act Relating to Medical Treatment of Persons at State Operated Facilities." (H. P. 1527) (L. D. 1957)

Bill, "An Act Relating to Access and Egress to Great Ponds." (H. P. 1417) (L. D. 1855)

Bill, "An Act Relating to Commitment of Juvenile Offenders." (H. P. 1203) (L. D. 1542)

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

Bill, "An Act Providing Full-time Prosecuting Attorneys and Public Defenders." (H. P. 1380) (L. D. 1861)

Which was Read a Second Time.

Mr. Brennan of Cumberland then moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. BRENNAN: Mr. President and Members of the Senate: This bill would create another centralized bureaucracy in Augusta. It

calls for the Attorney General to appoint the district attorneys. We have gone through this same type of situation session after session. A comparable bill was passed in the last session and the Governor, with his excellent judgment, vetoed it.

As far as I am concerned, the local prosecutors — and incidentally, local prosecutors are elected in approximately 95 percent of the jurisdiction in this country. In the local prosecutor's office there is a great deal of discretion, power and authority, and I submit where those features exist in a governmental office the people ought to have some say over who is going to exercise those powers.

This situation again calls for the Attorney General to make the appointment and, as we have said before on the floor of the Senate, the principal qualifications to become Attorney General in the State of Maine are two: one, you have to be a lawyer and, second, I guess you have to be a former legislator. I don't see where the second has anything to do with qualifications. In the past we have had people who have been Attorneys General who have never been seen inside a courtroom and who apparently have had no experience as prosecutors or defense lawyers. Yet, under this bill, we could allow for a situation like that and they appoint the entire prosecuting team for the State of Maine. I think that is an absolutely horrendous situation. This is not meant to be any castigating remarks on our present Attorney General; I am talking about some of the Attorney Generals we have had in this state. As long as we have a situation where the legislature elects the Attorney General, and you virtually have to come from the legislative branch so you can get the votes together, in a most gross political sense, I think it is a disgrace to try to build on that system, which is obviously a very, very bad system. So, I move indefinite postponement and ask for a roll call.

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

Mr. BERRY: Mr. President and Members of the Senate: I agree in principle with many of the remarks of the Senator from Cumberland, Senator Brennan. But I would call the Senate's attention to the fact that we are trying to do something at this session about the problem of district or county attorneys. I think that this bill should be kept around as a possible vehicle for amendment, if necessary, to be sure that this session of the legislature does something constructive. So I do oppose the motion, not in any spirit of disagreeing perhaps with my colleague from Cumberland, Senator Brennan, but just in the thought that we don't want to find ourselves perhaps without something a little bit later. I would hope you vote against the motion of Senator Brennan.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I would support the motion of the good Senator from Cumberland, Senator Brennan, for two reasons: One, I think the public defender issue we have debated, discussed and decided here in the Senate, and we have rejected that and that is part of this bill. The second reason is that, not to leave the system the way it is, but there is another bill which has received the approval of the Senate, and that is to change the current elective system, change it to reduce the number of people elected to eight, which is a bill which is a result of a lot of work. I think that is the vehicle which we should use, and not this vehicle which has been run through prior legislatures and has not received the signature of the Governor, for a good reason.

I do think that we have really decided one of the issues in this bill, and that the other alternative, which has received the approval of the other body, it seems to me was much more workable. It maintains the elective system for district attorneys, but cuts them down to eight prosecutorial districts. It seems to me that would be the route which this legislature could

take if, in fact, it is going to accomplish a change for the better in the system of criminal justice. Thank you.

I frankly don't feel that we are for an appointive system.

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

Mr. SPEERS: Mr. President and Members of the Senate: The good Senator from Androscoggin, Senator Clifford, is correct that we do have another bill before the legislature dealing with full time prosecuting attorneys. Both of these bills were heard by the Committee on State Government, and both of these bills received divided reports out of that committee.

In very brief, the other bill deals with elective full-time prosecuting attorneys; this particular bill deals with appointive full-time prosecuting attorneys. As I mentioned when both of these bills first appeared on the calendar, I don't believe there is a person in this body who does not wish to go back to his constituencies without having done something about providing a full-time prosecutorial system for the people of this state. The basic question boils down to whether or not it should be an elective system in a position at this point to make that decision. I would oppose, therefore, the motion to indefinitely postpone this bill at the present time, in hopes that we will be in a posture in the future to have both of these bills before us and to make that decision, fully knowing which way to go.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that Bill, "An Act Providing Full-time Prosecuting Attorneys and Public Defenders", be indefinitely postponed. A roll call has been requested. 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 motion be-

fore the Senate is the motion of the Senator from Cumberland, Senator Brennan, that Bill, "An Act Providing Full-time Prosecuting Attorneys and Public Defenders", be indefinitely postponed. 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, Brennan, Cianchette, Clifford, Conley, Cyr, Danton, Fortier, Kelley, Marcotte, Minkowsky.

NAYS: Senators Berry, Cox, Cummings, Greeley, Hichens, Huber, Joly, Katz, Morrell, Olfene, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, MacLeod.

ABSENT: Senators Anderson, Graffam, Wyman.

A roll call was had. 11 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

Thereupon, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Senate

Resolution, Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-year Terms. (S. P. 492) (L. D. 1557)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act to Correct Errors and Inconsistencies in the Executive Reorganization." (S. P. 430) (L. D. 1302)

Bill, "An Act Relating to the Maine Development Act." (S. P. 536) (L. D. 1756)

Which were 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 Service Retirement Benefits under State

Retirement System. (S. P. 184) (L. D. 492)

(On motion by Mr. Richardson of Cumberland, tabled and **Special-ly Assigned for June 19, 1973, Pending Enactment.**)

An Act to Reform the Methods of Computing Benefit Payments under Workmen's Compensation Act. (S. P. 427) (L. D. 1287)

(On motion by Mr. Berry of Cumberland, tabled and **Tomorrow Assigned Pending Enactment.**)

An Act to Implement Section 14-D of Article IX of the Constitution of Maine. (S. P. 651) (L. D. 1995)

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

An Act Relating to Election of Jury Trials in Misdemeanor Proceedings. (H. P. 161) (L. D. 203)

An Act Creating the Maine Motor Vehicle Certificate of Title and Antitheft Act. (H. P. 1075) (L. D. 1455)

(On motion by Mr. Greeley of Waldo, placed on the **Special Highway Appropriations Table.**)

An Act Permitting Sale of Liquor at Certain Golf Courses. (H. P. 1180) (L. D. 1519)

(On Motion by Mr. Hichens of York, temporarily set aside.)

An Act Relating to Regulation and Inspection of Plumbing. (H. P. 1523) (L. D. 1953)

An Act Relating to Property Tax Administration. (H. P. 1563) (L. D. 1997)

(On motion by Mr. Katz of Kennebec, temporarily set aside.)

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

The President laid before the Senate the matter temporarily set aside at the request of Mr. Katz of Kennebec:

An Act Relating to Property Tax Administration. (H. P. 1563) (L. D. 1997)

Pending - Enactment.

The **PRESIDENT**: The Senator has the floor.

Mr. **KATZ**: Mr. President and Members of the Senate: L. D. 1997, is a little too important to let slide by without calling the Senate's

attention to it. Those of us who have been here many sessions have lived to see the day that the legislature would finally get into action and pass this bill.

What it does is to create professional assessing districts, and the bill will be effective, I believe, July 1, 1977. It is something that every legislature has said that we ought to do, and it is something that no legislature before has ever done.

This bill will create equity within communities so that all the little deals that have existed between neighbors can no longer exist. This bill, in combination with L. D. 1994, which we will be seeing next week, L. D. 1994 will create equity between communities statewide. If this legislature passes L. D. 1994 and L. D. 1997, it will do something that no legislature has ever tried to accomplish. It will have equity and taxation within the community and will have equity and taxation between communities. If that is all this legislature accomplishes, it will have gone down as a pretty darn successful session.

The **PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Richardson.

Thereupon, on motion by Mr. Richardson of Cumberland, tabled and **Tomorrow Assigned, pending Enactment.**

The President laid before the Senate the matter temporarily set aside at the request of Mr. Hichens of York:

An Act Permitting Sale of Liquor at Certain Golf Courses. (H. P. 1180) (L. D. 1519)

Pending - Enactment.

The **PRESIDENT**: The Senator has the floor.

Mr. **HICHENS**: Mr. President, I was very pleased to notice the look of anticipation by the President when I got up and asked this to be set aside. I would now move that the bill be indefinitely postponed.

The **PRESIDENT**: The Senator from York; Senator Hichens, now moves that Bill, An Act Permitting Sale of Liquor at Certain Golf Courses, be indefinitely postponed in non-concurrence.

The Chair recognizes the Senator from Androscoggin, Senator Olfene.

Mr. OLFENE: Mr. President and Members of the Senate: Let me just enlighten you very briefly as to this bill and what happened before the committee, etc.

There are in the State of Maine approximately six golf courses that by their bylaws and their make-up are public golf courses rather than private. All this bill is doing is giving them the opportunity to have during their golfing season the privilege of dispensing liquor at the golf course. To assist you in some of the areas as to where these may lie, I can think of three very quickly: one in the Portland area, being Riverside; one in the Bar Harbor area, being Kebo Valley; and one in the Bangor area, the Bangor Municipal Course.

The committee listened to the proponents, of which there were several, including the Director of Alcoholic Beverages, Director Ingraham. The only opponent to the bill was Reverend Bubar.

I see nothing particularly wrong in this bill. We are just offering this opportunity to about six golf courses in this state, many of whom cater to the tourists. Therefore, I would ask you to oppose the motion of the good Senator from York.

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

Mr. HICHENS: Mr. President, all this bill does is just open the door a little further on the liberalization of our liquor laws. This bill has been heard in every session of the legislature of which I have been a member and, in the wisdom of the legislators, it has been defeated every year. I hope this year the legislature will have that same wisdom.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Bill, An Act Permitting Sale of Liquor at Certain Golf Courses, be indefinitely postponed. As many Senators as are in favor of the motion of the Senator from York, Senator Hichens, that this bill be indefinitely postponed will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

House Papers

Bill, "An Act Relating to Representation of Boards of School Directors." (H. P. 99) (L. D. 120)

Comes from the House, Recommended to the Committee on Education.

Which was Recommended to the Committee on Education in concurrence.

Mr. Richardson of Cumberland was granted unanimous consent to address the Senate.

Mr. RICHARDSON: Mr. President and Members of the Senate: I watched with great interest last evening the offering of Educational television of a debate between William Dunham of the Central Maine Power Company and our own Senator Kelley from Aroostook.

During the course of the debate, I was shocked and alarmed to hear Senator Kelley indicate that we had had a power shortage here in the Augusta area of such significance that we had to dim the lights here last Tuesday. I was under the impression that the reason that was done was because the President of the Senate, having the power to give light and heat to all of us who live under his wing, had directed one of the staff members of the Senate to turn the light off to reduce the heat in here, caused in part, I am sure, by the splendid rhetoric that we are all used to enjoying.

I also note in the paper a photograph of the good Senator from Aroostook. Apparently he is still concerned about a power shortage. I would like to know, and I am sure Mr. Dunham and a lot of other viewers would like to know, how this power shortage came about here and what we are going to do about it.

Orders of the Day

On motion by Mr. Berry of Cumberland, Senate in recess, pending the sound of the bell.

After Recess

Called to order by the President.

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

Joint Order — Relative to Committee on Education to study feasibility of law courses to legislators (H. P. 1601)

Tabled — June 12, 1973 by Senator Richardson of Cumberland.

Pending — Passage.

On motion by Mr. Berry of Cumberland, placed on the Special Legislative Research Table.

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

Bill, "An Act to Protect the Rights of Injured Persons under the Workmen's Compensation Law." (H. P. 1584) (L. D. 2011)

Tabled — June 13, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act Relating to the Certification and Regulation of Geologists and Soil Scientists." (H. P. 1570) (L. D. 2000)

Tabled — June 13, 1973 by Senator Sewall of Penobscot.

Pending — Passage to be engrossed.

House Amendment "A" (H-516)

House Amendment "B" (H-519)

House Amendment "C" (H-548)

Thereupon, the Bill, as Amended, was Passed to be Engrossed in concurrence.

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

Bill, "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County and Payments

to the County Law Libraries." (H. P. 1565) (L. D. 1999)

Tabled — June 13, 1973 by Senator Roberts of York.

Pending — Passage to be Engrossed.

House Amendment "A" (H-502)

House Amendment "B" (H-509)

House Amendment "C" (H-513)

House Amendment "D" (H-515)

House Amendment "F" (H-534)

House Amendment "G" (H-543)

On motion by Mr. Roberts of York, and under suspension of the rules, the Senate voted to reconsider its previous action whereby House Amendment "A" was Adopted. The same Senator then moved that House Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. ROBERTS: Mr. President and Members of the Senate: As you can see, you have before you what was normally the omnibus county salary bill, which has all the different county salaries and, as you can see, there are six amendments on it, including House Amendment "A".

Now, what has happened — I think you know, but very briefly I will tell you: You got last week, on Friday, a copy of correspondence between the County Government Committee and the IRS with relation to wage stabilization which, in effect, told us we could only raise county salaries by 5.5 percent. That is what we did for every county, without any question and without going into whether they were entitled to more or less, or anything else.

Now, these amendments start in to change the whole ballgame, and maybe they are all right and maybe they aren't; I don't know. But Amendment "A", very briefly, says that in the event the government should change Phase II, Phase III, or any other orders that they may subsequently make, whereby it permits salaries to be raised without controls, that then, by adopting Amendment "A", you would allow the county commissioners in the various counties to automatically give increases up to the amount that they put in their budgets, which amounts supposedly had been approved by

the legislative delegations. Now, we don't have any records in our committee, and we didn't consider these on that basis, in view of the federal controls, but that is what you would do under Amendment "A".

Now, in order that you understand this whole package, I will briefly go through these other amendments. Amendment "B" simply changes the county commissioners salary in Oxford County, and actually that reduces it because in Oxford County they have an administrative assistant that does a lot of the work the county commissioners used to do.

When you come to House Amendment "C", that is a compromise that was worked out in the other body within the last few days of the bill you once considered here to change or repeal the previous law, which is still in effect, to the effect that county salaries could not go into effect until January 1 of the year following the legislature in which they are enacted. This House Amendment "C" is a compromise by which any of these salaries that are raised here, or are changed, would go into effect July 1, rather than next January. That is an emergency so, if it is going to be of any effect, it is going to have to be passed as an emergency measure. Obviously, if not, it won't be in effect by July 1.

"D" is a Cumberland County amendment, which raises the fee of the sheriff from what we were able to raise him under the 5.5, which was \$10,550 to \$11,100, and also raises the sheriff of Sagadahoc County from the fee we were able to give him under 5.5 of \$7,385 to \$7,750.

The next one, "F" also involves Cumberland County, and it talks about fees. In effect, what it really does is to take away from the register of probate a fee that most the registers, or I guess all of them — and I was a register of probate for four years back along — or about 90 percent of them, receive a fee called a publication fee, which is a fee for getting up the publication lists, checking them out and approving them, that go into the newspapers of the various counties of the various matters

that are coming before the probate court, and the various appointments that are made by the probate court. Now, to do that in Cumberland County, for instance, it would probably take away about \$3,000 or \$4,000 of the gentleman's pay. Now, the gentleman in the bill that was before us on Cumberland County, originally it was going to give him an increase in pay, although he just took the job, of \$2,000 to offset what they were going to take away in these fees. However, of course, he is no longer going to get that, except for the 5.5. However, if you have been reading the newspapers, they are having all sorts of problems with that particular gentleman. Anyway, that is what that bill does.

Finally, the last one involves Hancock County, and I understand that Senator Anderson and the representative from Orland met with the county commissioners there and agreed on a \$500 raise for the county commissioners, the clerk of courts, the county treasurer, the sheriff, the register of deeds, the judge of probate, and the register of probate. I may have omitted a couple of officers.

All I am saying is that we haven't passed on any of these in the county. If the Senate feels that they should be raised, I will grant you that a lot of them are very deserving, and we believe that we can't do it, but if you want to, you can go ahead and do it.

However, I do feel that having the county commissioners have the authority to go ahead and raise all these salaries by whatever they may have cranked into their budget is wrong, and I hope you will support my motion to indefinitely postpone House Amendment "A".

The PRESIDENT: Is it now the pleasure of the Senate that House Amendment "A" be indefinitely postponed in non-concurrence?

The motion prevailed.

Thereupon, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

An Act Relating to Marine Fishery Regulations (S. P. 287) (L. D. 834)

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

Pending — Enactment.

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

Mr. HUBER: Mr. President, as mentioned before the subject matter in L. D. 834 is now safely covered in other legislation, and I now move the indefinite postponement of L. D. 834.

The PRESIDENT: The Senator from Knox, Senator Huber, now moves that Bill, An Act Relating to Marine Fishery Regulations, be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

An Act Relating to Mobile Home Parks. (S. P. 630) (L. D. 1956)

Tabled — June 13, 1973 by Senator Speers of Kennebec.

Pending — Enactment.

On motion by Mr. Aldrich of Oxford and under suspension of the rules, the Senate then voted to reconsider its action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby House Amendment "A" as Amended by House Amendment "B" was Adopted.

On further motion by the same Senator, the Senate voted to reconsider its action whereby House Amendment "B" to House Amendment "A" was Adopted.

On further motion by the same Senator, House Amendment "B" to House Amendment "A" was Indefinitely Postponed in non-concurrence and, on subsequent motion by the same Senator, House Amendment "A" was Indefinitely Postponed in non-concurrence.

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

Senate Amendment "A", Filing No. S-238, was Read and Adopted

and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Amend the Land Use Regulation Commission Law." (H. P. 627) (L. D. 851)

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

Pending — Motion of Senator Cianchette of Somerset to Indefinitely Postpone Senate Amendment "A".

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I have been able to work with the Senator from Cumberland, Senator Berry, on an amendment. In anticipation of the amendment being presented, I now would like to withdraw my motion to indefinitely postpone Senate Amendment "A".

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now wishes to withdraw his motion to indefinitely postpone Senate Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

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

Mr. BERRY: Mr. President and Members of the Senate: I am having another amendment prepared, and I would appreciate it if someone would table this item for one more day.

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

Thereupon, on motion by Mr. Morrell of Cumberland, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

HOUSE REPORTS — from the Committee on Taxation — Bill, "An Act Providing for a Tax on Petroleum Products and Refineries

to Promote Environmental Protection." (H.P. 819) (L. D. 1149)

Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — June 13, 1973 by Senator Richardson of Cumberland.

Pending — Motion of Senator Conley of Cumberland to Indefinitely Postpone the Bill and Accompanying Papers.

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

Mr. BERRY: Mr. President and Members of the Senate: I would urge the members of the Senate to vote against the motion, and I am not going to debate it any more than we did the last time. The opposition to the bill is from the lobbyists of the oil people. I invite to your attention how many people who are not paid lobbyists have asked you to vote against the bill. I would hope the record of the Senate would indicate that legislation like this type would be received by the Senate in the spirit in which it is offered, that the people of the State of Maine are concerned about their environment, and that if somebody wishes to use the state for purposes like this that they be prepared to pay for it.

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

Mr. CONLEY: Mr. President and Members of the Senate: I know of the great concern that Senator Berry has relative to the environment, and I certainly commend him for his efforts, particularly over the years, in the work that he has done in this area.

However, I don't believe that this particular document before us this morning is the type of bill that we members of the Senate or members of this Legislature, should impose.

First, the bill purports to do two basic things to an oil refinery, should one be located in the state: First, it imposes a two cent per barrel tax on the act of refining. This should not be confused, as I stated the other day, with the existing $\frac{1}{2}$ cent per barrel tax which is imposed by the Coastal Conveyance of Petroleum Law upon

each water oriented transfer of petroleum products. Second, it collects what amounts to the local real estate tax on the state level and returns to the municipality in which the refinery is located the amount of tax collected on an average for the five years before the refinery was built.

So you all know, the Pittston Company has filed an application with the Department of Environmental Protection to construct a refinery, and to apply this bill to that proposal the results would be as follows: Again I would state the two cents per barrel tax would cost in excess of \$5,000 per day or \$1,850,000 per year.

The real estate tax in Eastport is, as I say, \$50 per thousand, and applying that to the estimated value of the proposed refinery, \$350 million, it would amount to \$1,750,000. In return, the City of Eastport would be reimbursed for the taxes assessed on the average of the last five years, which would amount to approximately \$1,600.

Now that the State would collect something in excess of \$3,500,000 per year, where does the money go? I bring your attention to Section 4908 of the bill, which provides that after the costs of collection and enforcement that the balance "shall be disbursed to the Department of Environmental Protection for use in the prevention of abatement of the threats, dangers and hazards referred to in Section 4901. What exactly are those hazards for which there is proposed to be a fund with an annual increase of \$3½ million a year? Section 4901 states that refining is a hazardous undertaking, and that spills, discharges, and escape of oil poses a threat to the state's environment.

I ask you what real threat does the process of refining actually pose? The refinery itself poses little or no problems. Modern refineries are located in San Francisco and Montreal, and neither of these cities have lost their reputation as tourist meccas. The problems of oil do not arise from the process of refining, but in its handling over water, and I point out to you that the Maine Supreme Court has recently upheld the Coastal

Conveyance Law, which provides for safety regulations and a clean-up fund for a spill which pollutes currently in the sum of \$3½ million, is based upon water transfers of petroleum products, and it is in these transfers that the risk is involved, and it is only logical that the imposition of the tax be related to the risk.

It is somewhat ironic that the port of Portland today sustains the risk of the transfer of approximately 500,000 barrels of crude oil per day all destined for Canada, while Canada apparently is objecting to the use of Canadian waters, to gain access to Eastport for a proposed refinery located in the United States, which will handle approximately one-half that volume.

We are all cognizant of oil spill disasters in recent years, and the Torrey Canyon, Arrow, Santa Barbara, and finally the Tomano (whose oil by the way was going to Canada via the pipeline) come to mind, but can any of you think of an incident of a refinery disaster? I am not here to say whether we should or should not have an oil refinery in the State of Maine, but I do state that we have formed and funded the Department of Environmental Protection to protect our environment, and I do resent the Legislature, in light of the existing environmental laws, and the existence of a law and a fund to protect our waters from an unanticipated oil spill attempting to, by what I consider a discriminatory tax program, which is not applied to any other industry, nuclear power plants, paper mills, etc., to foreclose the opportunity to the proponents of an oil refinery to even present their case to the Board of Environmental Protection, whose duty it is to preserve Maine's environment.

THE PRESIDENT: The Pending motion before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Bill, "An Act Providing for a Tax on Petroleum Products and Refineries to Promote Environmental Protection", be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of indefinite postponement will

please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 21 Senators having voted in the affirmative, and six Senators having voted in the negative, the Bill was Indefinitely Postponed in concurrence.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Berry of Cumberland:

Bill, "An Act Clarifying Municipal Laws." (H. P. 1118) (L. D. 1454)

Pending — Acceptance of the Conference Committee Report.

Thereupon the Committee of Conference Report was Accepted and the Bill Passed to be Engrossed, as Amended, in concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the third tabled and unassigned matter:

JOINT ORDER — Relative to Election Laws Committee Reporting out a Bill relative to Referendum Questions. (H. P. 1583)

Tabled — June 7, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, the Joint Order was Passed in concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the table the fourth tabled and unassigned matter:

Bill, "An Act Making Current Service Appropriations From the General Fund for the Fiscal Year Ending June 30, 1974." (S. P. 627) (L. D. 1949)

Tabled — June 30, 1973 by Senator Sewall of Penobscot.

Pending — Motion by Senator Sewall of Penobscot to reconsider action whereby the Bill Failed of Enactment.

THE PRESIDENT: The Chair recognizes the same Senator.

MR. SEWALL: Mr. President, I move the pending motion.

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

MR. BRENNAN: Mr. President and Members of the Senate: It is now very apparent that there are

more than enough votes to pass Part I. I want to reiterate that our opposition all along has not been based on the merits or the needs in respect to Part I. Our whole effort has been to focus attention on the urgent needs for property tax reform or property tax relief this session. I think we all ran on the promise of property tax relief to the taxpayers.

I will again vote against Part I, to again stress the need for property tax reform now. I will not, however, ask my fellow Democrats to join with me. I will, however, thank them for joining with me earlier in this week to prevent enactment. I think by doing that, we focused some attention on the need for property tax at this session. Again, I think that is the responsibility we Senators have to the voters of this state, to do something about it during this session, rather than the big crisis about trying to go home. I think we could run home and then fail to meet our responsibility to the voters. So I personally will vote against it, but I will not ask my fellow Democrats to join me.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate reconsider its action whereby this bill failed of enactment.

The motion prevailed.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would like to comment on the last minute effort on the part of the Minority Party of this body to indicate its strong support for property tax reform. I certainly do not disagree with that strong support. As was the case with many others in this body, I ran last fall on a platform of attempting to do something about property tax reform, and I intend to keep that pledge.

I would like to point out to the members of this body, however, to the people of the State of Maine, that, notwithstanding the rhetoric that has been heard in these hallways over the last four or five

days in the attempt to place the Minority Party of this body squarely in a position to block the passage of the Part I Budget, in an attempt to indicate how very serious some people are about passing property tax reform, notwithstanding that rhetoric, there have been some individuals who have been working very hard, not standing here and speaking about tax reform, but who have actually been doing something about tax reform, a good number of individuals who have been working behind the scenes, I shouldn't say behind the scenes, but not particularly in this body, in this room, and who have come out with tax reform proposals. I would like to point out to the members of this body, Mr. President, and to the people of the State of Maine, that those tax reform proposals bear the names of members of the Majority Party. I think the people of the State of Maine, when they compare the record, are going to very well know who has been dead serious about property tax reform.

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

Mr. KATZ: Mr. President and Members of the Senate: I wish it were possible for me to wave a wand and make some of this debate no longer operational. I will not participate in any political maneuvering to give the credit for property tax reform to the Republicans, if we succeed, nor to deny it to the Democrats if we succeed. The whole question of property tax knows no partisan grounds, and I hope we keep it on that basis as we discuss it next week.

I want to say that I will vote for the current services budget; that I withheld my vote because I was desperately unhappy as to the nature of the attention that some words were receiving. I think that we have accomplished our purpose in taking property tax reform and moving it right smack into the center of the stage.

As we face it next week, if I hear any comments about the position of Republicans versus the position of the Democrats, I feel that we shall have failed in attempting to keep this issue non-partisan. In a very real sense of the word, it is. It was in the Governor's program. We had four bills before our committee, two were sponsored by the Republicans and two were Democrats. Unfortunately, because we were just boxed in mechanically, we had to use a vehicle, and it turned out to be a Republican vehicle that we used. But it is going to take all of the wisdom of all of us, Republicans and Democrats, to do the job ahead. I think the challenge that is facing us next week is going to be decided not in party caucuses, but right here on the floor of this Senate, because the Senate will be getting this bill as an enactor next week.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would certainly like to congratulate the good Senator from Kennebec, Senator Katz, for his remarks, and I would just like to recall to the minds of this body, the Senate here, that it was only a few years ago when the Governor of this state proposed an income tax bill. It had a Democratic label on it, and my good seat-mate sitting next to me, the Senator from Cumberland, Senator Richardson, ended up as being one of these people who has always been hiding in a dark closet, who came out shining like a knight and who seemed to be a real whiz on income taxes. We were able to, through a lot of harassment from members of both sides of the aisle, able to get a bill enacted that not only passed, but went back to the voters and again was upheld by the voters.

So that we don't get into any partisan bickering, I also would like to remind the Senate at that time when that bill had to pass in in this hall, here the Democrats came across with 14 solid votes, and there weren't any more of us. All we could get was 22, but

the fact is that there was harmony, and I think that we can pass property tax reform in this session in the Senate if we provide that same type of harmony. It is my intention again this morning, as a member of the Appropriations Committee, to support the enactment of Part I, and I can understand my good leader, the Junior Senator from Cumberland, Senator Brennan, for waving the flag. I hope he continues to wave the flag, and I hope we all see the flag waving, particularly next week when we try to undertake that problem.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative votes of 26 members of the Senate, with two 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.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act Reestablishing the Capitol Planning Commission, (S. P. 535) (L. D. 1688)

Pending — Enactment.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: The bill, as its title indicates, creates the Capitol Planning Commission again, and the Bureau of Public Improvements has suggested that it might be quite useful in some of the construction that is being considered in the capitol area, so the amendment that I am proposing puts an emergency preamble on the bill.

I present, Mr. President, Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now offers Senate Amendment "A" and moves its Adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-236, was Read and Adopted and the Bill, as Amended, Passed

to be Engrossed in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:00 o'clock tomorrow morning.