

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

Tuesday, June 19, 1973

Senate called to order by the President.

Prayer by the Rev. Sumner L. Morrison of Augusta.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy." (H. P. 1575) (L. D. 2004)

In the House June 14, 1973, Passed to be Enacted.

In the Senate June 15, 1973, Indefinitely Postponed in non-concurrence.

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

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Consideration.

Non-concurrent Matter

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

In the House June 1, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (H-471).

In the Senate June 15, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" and Senate Amendment "C" (S-239), in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Consideration.

Non-concurrent Matter

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

In the Senate June 14, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-234).

Comes from the House, the Majority Ought Not to Pass report Read and Accepted in non-concurrence.

On motion by Mr. Minkowsky of Androscoggin, the Senate voted to Insist and Ask for a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:

MINKOWSKY

of Androscoggin

SHUTE of Franklin

CLIFFORD

of Androscoggin

Non-concurrent Matter

Bill, "An Act Regulating the Interception of Wire and Oral Communications." (S. P. 377) (L. D. 1108)

In the Senate May 25, 1973, Passed to be Engrossed as Amended by Senate Amendment "B" (S-171).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" and as Amended by House Amendment "A" (H-531), as Amended by House Amendment "A" Thereto (H-576), in non-concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

State of Maine
Joint Resolution

In the Year of our Lord One Thousand Nine Hundred and Seventy-three.

Joint Resolution in Recognition of the Appointment of Rosalyn S. Bernstein as one of the First Women Members of the Board of Trustees of Bowdoin College

WHEREAS, Rosalyn S. Bernstein, of Portland has recently been appointed as one of the first women members of the Board of Trustees of Bowdoin College; and

WHEREAS, Rosalyn S. Bernstein is well known in her community and State for her many acts of charitable and public service, including membership on and the chairmanship of the Portland School Committee; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature, extend

to Rosalyn S. Bernstein sincere best wishes for continued successful public service as a member of the Board of Trustees of Bowdoin College; and be it further

RESOLVED: That a duly authenticated copy of this resolution be forwarded by the Secretary of State to Rosalyn S. Bernstein of Portland.

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Committee Reports House

Ought to Pass

The Committee on State Government on, Bill, "An Act Relating to Salaries of County Attorneys and Assistant County Attorneys," (H. P. 964) (L. D. 1285)

Reported that the same Ought to Pass.

Comes from the House, Passed to be Engrossed.

Which report was Read.

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

Mr. SPEERS: Mr. President, the reason that this particular bill came out of committee with an Ought to Pass Report is that the Committee on State Government did not have the information as to what would happen to the other two bills which are presently before this legislature as to creating full-time district prosecuting attorneys. We did feel that should those other two bills fail to pass, that there should be something done about creating full-time prosecuting attorneys. We, therefore, reported this bill out Ought to Pass in order to keep it alive, and I would hope that at some future point, should the bill be accepted at this point, that it would be tabled until we then find out what will happen to the other two bills.

The **PRESIDENT:** Is it the pleasure of the Senate to accept the Ought to Pass Report of the Committee in concurrence?

The Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. Under suspension of the rules, the

Bill was then given its Second Reading.

Thereupon, on motion by Mr. Speers of Kennebec, tabled, pending Passage to be Engrossed.

Ought to Pass in New Draft

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

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Representation of Boards of School Directors" (H. P. 1617) (L. D. 2037)

Comes from the House, the Bill in New Draft Passed to be Engrossed.

Which report was Read.

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

Mr. KATZ: Mr. President, I rise only to call the Senate's attention to this bill because you are probably going to be getting substantial flak on it. This was the bill that was recalled from the legislative files because of the action of the federal court in a suit involving SAD 1 in Presque Isle declaring that the one-man one-vote rule must be applied to school district representation.

This bill is a necessity to give Presque Isle the legal ability to react, but it is going to cause a very substantial amount of dislocation in the state, and for that reason I call it to your attention.

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

Mr. CLIFFORD: Mr. President, I would request through the Chair an explanation of the bill, as to whether it does require a substantial change. I know in my community the school board membership is of appointed members, and there is no requirement that they be from any part of the municipality. Would this, through the Chair again, affect appointive type school boards.

The **PRESIDENT:** The Senator from Androscoggin, Senator Clifford, poses a question through the Chair which the Senator may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I would suggest that the bill not be given its second reading today. I would defer responding to the question as to the contents of the bill. It is a rather long and complicated bill. Briefly, it permits crossing of municipal lines for representation, but I would recommend it to the attention of each individual Senator to read the bill to get its impact.

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

The Ought to Pass in New Draft Report of the Committee was Accepted, the Bill in New Draft Read Once and T o m o r r o w Assigned for Second Reading.

Divided Report

The Majority of the Committee on Marine Resources on Bill, "An Act to Change the Lobster License to the Boats, Increase License Fees and to Limit the Number of Licenses." (H. P. 1221) (L. D. 1578)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

HUBER of Knox

RICHARDSON

of Cumberland

Representatives:

BROWN of Augusta

LEWIS of Bristol

DAVIS of Addison

SHUTE

of Stockton Springs

BUNKER of Gouldsboro

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under New Title: "An Act to Conserve, Manage and Regulate the Lobster Fishery" (H. P. 1614) (L. D. 2031)

Signed:

Sensor:

DANTON of York

Representatives:

LaCHARITE

of Brunswick

MULKERN of Portland

WEBBER of Belfast

GREENLAW

of Stonington

KNIGHT of Scarborough

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

On motion by Mr. Huber of Knox, tabled and T o m o r r o w Assigned, pending Acceptance of Either Report.

Second Readers

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

House — As Amended

Bill, "An Act Authorizing the State Housing Authority to Establish Capital Reserve Funds." (H. P. 1596) (L. D. 2022)

Which was Read a Second Time.

Mr. Brennan of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-248, was Read.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would ask a question through the Chair of the Senator from Cumberland, Senator Brennan, as to the purpose of this amendment.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair which the Senator may answer if he desires.

The Chair recognizes the Senator from Cumberland, S e n a t o r Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: This amendment would give the capability to the State Housing Authority to make direct loans to a borrower when that borrower has been turned down by three banks. These direct loans though would be limited to housing insured, guaranteed or assisted by the federal government, such as the VA loans and the FHA loans.

As we all know, Maine has an absolutely horrible housing situation. I think if we permit the State Housing Authority this authority, this capability, we will be moving in the right direction to do something about that housing. Again, it would be restricted to direct loans where there is already

federal assurance or federal guarantees, so I think it is an amendment that makes an awful lot of sense.

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

Mr. SPEERS: Mr. President and Members of the Senate: The Committee on State Government heard a number of bills in this session dealing with housing and housing problems, and I would certainly agree with the good Senator from Cumberland, Senator Brennan, when he states that housing is a very serious problem for the people of the State of Maine.

I think the Committee on State Government has done quite a bit in reporting out a number of bills Ought to Pass which expand the authority of the State Housing Authority and the ability of the State Housing Authority to deal with the problem of inadequate housing in the State of Maine.

The Committee was faced with a considerable amount of money that was being requested by the State Housing Authority, and we could have gone one of two routes. We could very easily have put a rubber stamp on all of these bills and said that they are all very well and very worthy of passage, and have passed the buck to the Appropriations Committee to then decide what they are going to be able to fund and what they are not going to be able to fund. Or I think the Committee could have taken, as I feel it did, a more responsible step to try and order priorities on these particular bills as far as the Housing Authority in operating its own responsibilities, as well as trying to order priorities on the amount of appropriations that would be forthcoming through the authority.

My feeling on this particular amendment — and this was heard before the Committee, the exact issue before us now, as to whether or not the Housing Authority should have the authority to enter into the direct loan business — it was my feeling, and I feel that it was the feeling on the part of the Committee, that they should not have this authority to enter into direct loans. Even the MRA or the MIBA

does not have that authority, nor have they asked for that authority. They are a guarantee authority, and they do not make direct loans.

I think that the Housing Authority has a limited staff under the direction of one individual, and they are going to be having enough to be doing over there as a result of the number of bills that have been passed out by the Committee on State Government expanding their authority to subsidize mortgage payments, picking up on the federal housing programs, expanding their authority to make rent subsidies, expanding their authority to build housing for the elderly. They are going to be having enough new things to be doing over there without entering into the direct loan business.

There are a number of problems that arise from direct loans. The proponents would say that there are guarantees and limitations built into this in that the individual has to be turned down by three banks before he may come to the Housing Authority for a loan. The problem with that is simply this: that an individual can go to a bank for a \$40,000 mortgage, he may not be financially able to meet the demands of the \$40,000 mortgage, and of course the bank is going to turn him down. Then he will turn around and go to another bank for the same mortgage, and a third bank for the same mortgage, then he has been turned down by three banks. Then he comes to the Maine Housing Authority and says "Well, I have been turned down by three banks and I am here to apply for a loan from the Housing Authority." I am taking a rather extreme example in a \$40,000 mortgage, but the point is that the same individual may very well have applied to all three of those banks for a \$20,000 mortgage and may have been accepted by all three of the banks. So you have a basic problem built into the direct loan situation right there.

Now, I understand the problem that this amendment is attempting to reach, in that apparently a number of banks have not been loaning under the Veterans Administration loans. The Committee understood that problem as well, and I feel

we have acted to deal with that problem and to correct that problem. The legislation as it now stands would establish a capital reserve fund, and other legislation has been enacted which would allow the Maine Housing Authority to purchase mortgages which are older than six years. Because of this legislation, there will be freed a great deal more money within the banks to write new mortgages. And, because of the limitations written into that law, the banks must place this money, this new money which is being freed up by the Housing Authority being able to purchase older mortgages, the banks must place this new money into exactly the same kind of mortgages that the Housing Authority is buying up. So we have acted to correct the problem that this amendment is directed toward. That is, to create a good deal more money for the housing market on the part of the banks.

Mr. President, I would oppose the adoption of this amendment, and would move its indefinite postponement.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: The State of Maine is already in the television business and the real estate business. I don't think we should go into the banking business, so I go along with the good Senator from Kennebec, Senator Speers.

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

Mr. BRENNAN: Mr. President and Members of the Senate: As far as I can understand it, we can have all the rhetoric we want about our desires to help alleviate the housing situation in the State of Maine, but all that rhetoric will not build one more house, nor will it permit a veteran or somebody buying a house under the FHA, who can't get a loan, to buy a home. I think we have had all the

rhetoric we need with reference to housing.

This amendment would give some real capability. This amendment would permit the State Housing Authority to move in and help those situations where people have been turned down. I don't see it as any give-away program where these loans would be guaranteed. Of course, the FHA has their standards and the VA has their standards. So if we are really serious about doing something about the housing situation in the State of Maine, we will support this amendment.

I can appreciate in the Maine Senate this amendment will be in big trouble. It is my understanding that the banking interests are opposed to it, and it is always a problem if the banking interests are opposed to something. But this is an amendment that seriously would give the capability to do something about housing. So I would again urge the adoption of this amendment and ask for a roll call on it.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I am sure the Junior Senator from Cumberland is not going to infer that I am a tool of the banking interests, although I have to admit that I am very frugal and have deposits in one.

The Maine Housing Authority, to a very real extent, was born in this chamber on a very snowy night in the 104th Legislature, and I participated in that meeting and have supported the Maine Housing Authority. But quite a few years have gone by since the Maine Housing Authority was created, and it has had a reasonably rocky road. The legislature has a habit of waiting until we have some real problems before we review programs.

Irrespective of the outcome of this debate today, I would hope that the Senator from Kennebec, Senator Speers, would think in terms of addressing the attention of the State Government Committee during the interim between

sessions to a review and evaluation of the accomplishments and potential accomplishments of the Maine Housing Authority, not as a witch hunt, not as an attempt to do any discrediting, but in an effort to see to what extent the Maine Housing Authority has lived up to its advance billing.

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

Mr. SPEERS: Mr. President, the good Senator from Cumberland, Senator Brennan, has talked about rhetoric. I thought in explaining my opposition to this particular amendment that I had indicated a number of instances where the State Government Committee and this legislature had acted positively to deal with the problem of housing shortages in this state.

I am under no illusions as to the purpose of offering this amendment and the purpose of asking for a roll call. I am sure that the good Senator would have found some reason to propose some amendment to a housing bill in order to have the members of this body on record one way or the other on the issue of housing, but I feel that we have taken some good positive steps to deal with this problem and that we have been responsible in attempting to come up with a program that would alleviate the housing shortage in this state.

I am referring to L. D. 2001, which is An Act to Correct Errors and Inconsistencies in the State Housing Authority Act, which has been enacted and which has been signed by the Governor, in which we have removed the restriction of six months to purchasing mortgages. The purpose of that removal, as I tried to indicate in my prior remarks, was to free up some of the money that should be available for writing some of the very mortgages that the good Senator wishes to achieve with this amendment.

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

Mr. BERRY: Mr. President, on the 15th of June in the Bangor Daily News was the following arti-

cle, which I think is quite apropos to what we are talking about: This says that Maine should be in the midst of a building boom, according to figures released by the Dodge Division of McGraw-Hill. The total construction in Maine as per future contracts as of the end of April is up 24 percent over a year ago, for a total figure of \$101 million. Residential construction shows the greatest gain, up 45 percent from 1972. It seems to me this indicates that what we are doing in residential construction is certainly right.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that Senate Amendment "A" 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 one-fifth of those Senators present and voting. Will all those Senators favoring 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 before the Senate is the motion of the Senator from Kennebec, Senator Speers, that Senate Amendment "A" 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 Anderson, Berry, Cox, Joly, Katz, Morrell, Roberts, Schulten, Sewall, Speers, Tanous, Wyman, MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Hichens, Huber, Kelley, Marcotte, Minkowsky, Peabody, Richardson.

ABSENT: Senators Olfene, Shute.

A roll call was had. 13 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, Senate Amendment "A" was Adopted and the Bill, as

Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Enactors

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

An Act Providing for Irreconcilable Marital Differences as a Ground for Divorce. (S. P. 69) (L. D. 171)

An Act to Provide Elected District Attorneys. (S. P. 474) (L. D. 1569)

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

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

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

An Act to Clarify and Simplify the Administration of the Mechanic's Lien Law. (H. P. 1361) (L. D. 1817)

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

An Act Changing the Dates for Registration of Automobiles. H. P. 1597) (L. D. 2023)

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

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.

Resolve, Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution. (S. P. 93) (L. D. 239)

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

Emergencies

An Act Appropriating Additional Funds to Various Departments for the Fiscal Year Ending June 30, 1973. (H. P. 1603) (L. D. 2024)

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

An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975. (S. P. 657) (L. D. 2010)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Bond Issue

An Act to Authorize Bond Issue in the Amount of \$7,800,000 to Build State Highways. (S. P. 187) (L. D. 494)

Comes from the House, Failed of Enactment.

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

Mr. SCHULTEN: Mr. President, a point of clarification, because I am a little confused here: L. D. 494, according to our calendar this morning, shows \$7,800,000, and in looking at L.D. 494 in our book, they talk about \$19,800,000. Could that be cleared up?

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

Mr. CLIFFORD: Mr. President, I believe that the bill before us now is a committee redraft of L.D. 494.

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

Mr. SCHULTEN: Mr. President, there is no mention here about redraft that I can see.

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

Mr. GREELEY: Mr. President, in answer to the question of the Senator from Sagadahoc, Senator Schulten, this bill was amended from \$19,800,000 to \$7,800,000. The reason for doing that is that the committee felt it was impossible to get a \$19,800,000 bond issue through the legislature, and the committee was opposed to it, so we relied on trying to get a cent

on the gas tax. That is why we amended the bill.

The PRESIDENT: The Chair would call the attention of the Senator from Sagadahoc to Senate Amendment 216.

Thereupon, this being a bond issue and having received the affirmative votes of 23 members of the Senate, with three Senators voting in the negative, was Passed to be Enacted in non-concurrence. Sent down for concurrence.

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

Mr. BERRY: Mr. President, having voted on the prevailing side, I move reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby the bill was passed to be enacted. As many Senators as are in favor of reconsideration please say "Yes"; those opposed "No".

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

Orders of the Day

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

An Act Relating to Service Retirement Benefits under State Retirement System. (S. P. 184) (L. D. 492)

Tabled—June 14, 1973 by Senator Richardson of Cumberland.

Pending — Enactment.

On motion by Mr. Richardson of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

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

JOINT ORDER — Relative to amending of Joint Rule 4. (S. P. 672)

Tabled — June 18, 1973 by Senator Richardson of Cumberland.

Pending — Passage.

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

Mr. BERRY: Mr. President, I have heard stories about what may possibly happen to this elsewhere, but it seems to me in all fairness that the matter should be discussed in this body, as it is a joint rule.

I think the motives of the drafter, of course, are extremely laudable. We are all very concerned about this problem of conflict of interest. And a lot of thought has been given by many people a lot smarter than I am to the possible solution of it. We have a modus operandi at the present time that indicates that if it is a direct personal conflict of interest reflected by a financial gain peculiar to the individual involved, not applicable to other members of his profession or other people who earn their livelihood the same way, then there is a conflict of interest.

We have ruled there is no conflict of interest in the case of the executive secretary or assistant executive secretary to the Teachers Association, and similar instances where there might appear to the casual observer a conflict of interest.

Senator Richardson of Cumberland here has come up with a proposed unique solution, saying that the presiding officer shall rule in case of a conflict of interest. This appears to me to be, from a practical standpoint, a very difficult thing to do. The presiding officer should be privy then to all sorts of information which it would almost appear he wouldn't have at his beck and call. I know, as working on the committee of leadership that discussed conflict of interest, that the information necessary in this instance is elicited after a conference with the individual or individuals involved and thorough discussion. It would appear very difficult for a presiding officer to be able to get this information by himself and evaluate it in the time element necessary. I think, as I say, I agree 100 percent with Senator Richardson's purpose, but I feel an explanation of this nature is somewhat necessary in this body.

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

Mr. RICHARDSON: Mr. President, to this day it is very tempting to be quite rhetorically brilliant about the morality or lack of morality of government, and the

Senator from Cumberland, Senator Brennan, has from time to time entertained us with his views of the proceedings of the Watergate. In all seriousness, I feel we must do something more than we have done at this session.

I believe that our present rules regarding conflicts of interest and our present rules regarding legislative ethics are a farce. I sponsored the bill which would have adopted the legislation proposed by the citizens' organization called Common Cause. That bill received gentle but definite 17-A treatment from the committee which heard it.

I believe that every member of this legislature is under a moral obligation, and should be under an obligation by rule, to make an affirmative disclosure of the existence of a conflict of interest situation. I think we should embody this within our rules. Everybody always says about this problem, "Well, yes there is a problem, but what you are proposing won't do anything about it. We have had proposals like this time and again before the legislature."

The Senator from Cumberland, Senator Berry, alludes to the possibility of this receiving something less than enthusiastically favorable response in the other body. I don't know whether that is the case or not. In any event, I think that every member of this legislature should be placed by rule under an affirmative duty to disclose. And if he fails to make that disclosure, and is found to have done so, then I think the presiding officer should be required to disqualify that member from voting on that legislation.

That is the purpose of the order, Mr. President. There is no pride of authorship involved. If anybody here has a better solution, I would certainly be pleased to listen to it, accept amendments, or whatever your wisdom may dictate. But I really don't think that our present laws are anything other than window dressing designed to convince the public that everything is right in Augusta. I don't think it is, and I think that this sort of rule provision would help insure

that we do a better job as legislators.

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

Mr. CIANCHETTE: Mr. President, I would like to pose a question through the Chair to the Senator from Cumberland, Senator Richardson, if he would care to answer, and that is to further clarify the intent, the reasoning, and to help me understand. I wonder if he would perhaps point out a couple of examples that might be considered a conflict of interest by the presiding officer.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, has posed an inquiry through the Chair which the Senator from Cumberland, Senator Richardson, may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, without naming names, I was a member of the other branch, in fact, its majority leader several years ago when an officer of a corporation which had a direct financial interest in the outcome of a bill, which would have regulated the classification of a stream in which that company happened to have some passing interest, that legislator repeatedly voted against the legislation since it would, in his view, have adversely affected the economic interests of his employer, lobbied very actively and very vigorously against it. No one in the legislature felt that they should stand up and call him to account for his conduct, nobody wanted to offend him, nobody wanted to pay the price of the possibility of having that legislator take offense at being told or having it suggested that he wasn't doing right.

This rule change would have placed him under an affirmative duty to disclose the circumstances of his employment and the effect of this legislation on his employer, and I believe would have required his disqualification.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I certainly feel we have a long way to go in order to make an intelligent judgment as to whether or not there are conflicts. I suspect, particularly in this day and age, it may be proper that when we get to an area that we make full disclosure before we vote on any bill. Maybe when we appear here January 1st we give the good President, and for the press to see, a copy of our assets and liabilities and what businesses we happened to be interested in, what businesses we are likely to gain from. Unless the presiding officer has this information, I don't see how he is ever going to make a determination with reference to whether or not someone is in conflict.

I don't think this order provides that wherewithal right now. I personally will support the order because we have got to move in some direction. Presently there are just no conflicts in the Maine Legislature. We are only kidding ourselves if we think there are conflicts, as far as conflicts that are in violation of any rules.

So I think maybe it doesn't go far enough; that we should seriously consider requiring all Senators and all Representatives to present a balance sheet as to where their assets and where their liabilities are. Maybe this is one of the prices that a person should pay to run for office, because when you run for office and you take an office it is a public trust; it is not a private investment. So, frankly, I don't think it goes far enough, but I will support it at this time.

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

Mr. JOLY: Mr. President and Members of the Senate: I don't like this bill. I think it is opening up a can of worms. I think if we progress in this direction that the day will come that the only people that can serve in the legislature of the State of Maine will be people who are retired, who have no money invested anywhere; they keep it in a strongbox at their home and hope they have enough to last them until they die.

Every one of us are connected in anything we do. If we have got a bank account, if we have got some stock, if we have an interest in a business, if we are a lawyer and represent various clients, there is going to be a conflict in every single bill that comes up. I think we are elected by the people and they trust us to do the best we can here, and this just bothers me to no end.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Just very briefly, I trust that we have all learned at least one lesson from Watergate. I hate to keep bringing up Watergate, but it is a fact. And I think the lesson we should have learned is that we all ought to espouse, support, advocate, and work as hard as we can for openness in government. We have seen what has happened, we have seen a lot of people badly hurt, and we have seen a lot of people's families badly hurt, because of underhandedness, sneakiness, and undercoverness.

I think the time has come, I think this is moving in that direction for openness in government, and just rhetoric itself is not going to do much. It is time to support something like this and, hopefully, go a little further so that people will have to disclose their assets and liabilities, and know what their private interests are so we can judge whether they are making their judgment in the public interest.

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

Mr. RICHARDSON: Mr. President, very briefly, the reference to the Watergate reminds me to say something that I have been wanting to say to my good friend from Cumberland, Senator Brennan, for quite a while. That is that the Watergate is but one incident. Buried under the avalanche of media coverage is the indictment, trial, conviction and sentencing of the former Democratic Governor of Illinois, Otto Kerner, for accepting pay-offs while he was in office as Governor. That has been within the

past two or three months. It hasn't received the intense press attention that the conduct of Watergate did.

This is not a partisan problem. Citizen faith in the processes of government is absolutely essential to our survival as an institution. That sounds like a lot of corny rhetoric, but I really believe that, members of the Senate. And we can sit here and talk about what great repute we are held in as legislators, and all the rest of it, but I say that some of our views of ourselves are taken through rose-colored glasses.

I really believe that we should place every member of this legislature under an affirmative duty to disclose a conflict situation. And to my friend, the Senator from Kennebec, Senator Joly, I would say that this order does not make a conflict out of what would not now be a conflict of interest. This doesn't change the substantive rules of conflict one bit. It simply requires that the legislator himself has the affirmative duty to come forward and disclose the situation. And I request a roll call.

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

Mr. KATZ: Mr. President, may I request the Secretary to read the Joint Order.

Thereupon, the Secretary read the Joint Order in its entirety.

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

Mr. SPEERS: Mr. President and Members of the Senate: I was very encouraged to hear the good Senator from Cumberland, Senator Brennan, talk about openness in government, and I would certainly hope that he will do all in his power to urge very strongly the Governor of this state to reveal the results of the investigation into the power petitions which were requested by the Committee on Judiciary so that the Committee on Judiciary can then decide, and have all of the facts before it in deciding on whether or not to give the stamp of approval to the method used to obtain these petitions. I certainly hope that the good Senator is consistent in his

desire to see openness in government.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I will repeat what I said a couple of weeks ago: I think Governor Curtis acted in one of his finest hours when he refused to permit the state police to intimidate, harass or threaten in any fashion citizens who merely signed a petition saying they wanted a chance to vote on public power. I think the good Senator from Penobscot, Senator Tanous, said there was no criminal conduct, other people of equal authority said there was no criminal conduct, I think statutes say the state police are supposed to patrol the highways and investigate criminal conduct, that they should not be used to further maybe some private power type interest. Again, I think the Governor is right, a hundred percent correct.

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

Mr. BERRY: Mr. President and Members of the Senate: This matter, of course, is getting far more attention and rhetoric, as our good friend from Cumberland, Senator Brennan, says, than it deserves, but I must rise when we are describing our current results of past evaluations of conflict of interest problems as a farce, a word employed by Senator Richardson of Cumberland. It is not a farce. The legislature for the last four years has wrestled seriously with the problem of conflict of interest, and if one were new in this room and hadn't paid any attention or didn't know what was going on in the Maine Legislature for a long time, as maybe some people here do today, they might think that conflict of interest was a new problem that we have not wrestled with at all and never seriously considered. Such is not the case.

We have an Ethics Committee that I honestly feel functions extremely well. It has had delicate cases, and I have heard no questioning of the judgment of the

committee following statutory guidelines. This is the important point.

We are now in the closing days of the session, by amending our joint rules, attempting to change what the legislature has put on the books after very careful consideration and research by several select committees. One would not know that bills have been introduced and considered by this Legislature dealing with this subject, as they have been. Complete, total revelations of one's assets has been considered by the legislature. The legislature, in its wisdom, has said this is not yet the perfect solution. So while I don't disagree with the purpose of the order, I thoroughly disagree with the mechanics of the order.

As you listened as the Secretary read it, I am sure you found problems inherent in the definition of revealing your association with legislation. These are not easy solutions. I think that if and when we come to devoting more of our time to the legislature, as we get more experience and more wisdom, we are going to come up with a better conflict of interest law than we have now. We made several small beginnings at this session. We tackled a very important part of the problem, and that is the lobbyists' relations to the legislature, and this was a most progressive law which, in spite of some news media personalities, did not slip by the legislature and was put on the books with the full knowledge of its intent, its implication and its hoped for results.

Under Joint Rule 26, this order needs a two-thirds vote to pass of all members present, and I, for one, am voting against the order, not on its principles, but upon its application.

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

Mr. TANOUS: Mr. President and Members of the Senate: I don't want to belabor the question, but in looking over Rule 4, some of you have already looked at it, but I might read it to you: "No member shall be permitted to vote on any question in either branch of the Legislature or in committee

whose private right, distinct from public interest, is immediately involved." This order seems to be a continuation of this particular rule. I don't think it involves any new question, except that it requires an affirmative action on the part of a member.

I am bothered in two areas, and I guess I should be bothered with Rule 4 as it exists. I would like to see a clarification of what we mean by "private right, distinct from public interest." I have looked through the rules I don't see a definition of these two terms. I think probably, if we are going to do this right, we ought to have a definition before a vote for the order, hoping maybe we can amend the order, defining what we mean by "private right, distinct from public interest". I can see instances where both of these would be entwined, and it would be almost impossible to differentiate whether we are talking about private rights, distinct from public interest.

Also the second part of the order, which provides that a member of the legislature who fails to reveal this instance will be barred from voting in the future, until he has revealed it, I guess. I think this ought to be clarified. Before the second part of the order, I think, could be enforced by either the Speaker or the President of the Senate, one would have to file a disclosure, prior to serving, of his interest. I would think so. Other than that, how would the President or the Speaker of the House ever realize that there is a direct interest by an individual? I would also add that this might be extremely difficult, and again I would like to see this clarified in the instance of an attorney representing a client. I could see instances where maybe this would be extremely difficult for an attorney serving in the legislature to be able to differentiate between the private interest and the public interest.

I shall support the order, hoping that we can amend it to clarify it somewhat. Thank you.

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

Mr. BERRY: Mr. President and Members of the Senate: It discourages me a little bit when somebody like Senator Tanous of Penobscot says that he hopes that we can determine now and solve a problem by amending a joint order which several sessions of the legislature have wrestled with very devotedly. The difference between private and public interest specifically, as far as the individual legislator is concerned, it was determined that if an individual profited personally, to the exclusion of anybody else, he had a personal private conflict of interest. I don't believe that it is going to be possible to solve these problems by an amendment to a joint order, hopefully within a week before we adjourn, when we haven't been able to. I assure everybody we are making progress on this, and will.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Now really, I have served on some of these committees. I was a member of the Subcommittee of Legislative Research which drafted the bill in the interim between the general and special session of the 104th Maine Legislature. I followed with great interest what we have done. Senator Berry is absolutely right; the legislature has wrestled with the problem of conflicts of interest, and it has probably been the most unequal bout in wrestling history. We have lost every single match.

Our present statutory definition of what constitutes a conflict is, Members of the Senate, and I do not use this term wildly, is a farce. If you look at our present statutory regulation, in order to be in a conflict of interest a legislator has to literally, practically, introduce a bill requiring the State of Maine to pay him money.

Now all this bill does, all this order does is place an affirmative duty on a legislator to disclose the existence of a conflict situation. It doesn't make what is not now a conflict a conflict.

The PRESIDENT: The pending question before the Senator is the passage of the Joint Order, S. P.

672. 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 Chair would note that under Joint Rule 26, it states: "No joint rule or order shall be suspended without the consent of two-thirds of the members present in each house." This does not indicate to the Chair that it would require a two-thirds vote to amend the rules. There is nothing in the joint rules that I can find that states a two-thirds vote is required to amend the rules. In Mason's Manual, which is a back-up to our legislative rules, on page 279, section 408, Amendment of Rules, it states: "A majority vote only is required to amend rules unless the rules themselves require a higher vote." Unless a member will point out to the Chair a rule, other than Rule 26, that states it takes a two-thirds vote to amend the rules, the Chair will rule it will take only a majority vote.

The pending question before the Senate is the passage of Joint Order S. P. 672, Relative to Amending of Joint Rule 4. A "Yes" vote will be in favor of passage of the Joint Order; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Kelley, Marcotte, Minikowsky, Richardson, Roberts, Schulten, Shute, Speers, Tanous, MacLeod

NAYS: Senators Anderson, Berry, Graffam, Greeley, Hichens, Huber, Joly, Katz, Peabody, Wyman.

ABSENT: Senators Morrell, Olfene, Sewall.

A roll call was had. 20 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with three Senators

being absent, the Joint Order received Passage.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Appropriations and Financial Affairs — Bill, "An Act Relating to Service Retirement of State Mental Institution Employees." (H. P. 181) (L. D. 223) Report "A" — Ought Not to Pass; Report "B" — Ought to Pass.

Tabled — June 18, 1973 by Senator Morrell of Cumberland.

Pending — Motion by Senator Conley of Cumberland to accept Report "B".

The Ought to Pass as Amended Report "B" of the Committee was Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence. House Amendment "B" was Read. House Amendment "A" to House Amendment "B" was Read and Adopted and House Amendment "B" as Amended by House Amendment "A" thereto, was Adopted in concurrence.

Under suspension of the rules the Bill, as Amended, was then Read a Second Time.

Thereupon, on motion by Mr. Richardson of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

An Act to Amend the Employment Security Law. (H. P. 1212) (L. D. 1574)

Tabled — June 18, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

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

Mr. TANOUS: Mr. President and Members of the Senate: L. D. 1574 is a bill that is required under the Employment Security Law to conform with the federal government regulations. There were some items in this particular bill that were not necessary to conform with the federal government.

There were two different items in the bill that would have cost

the unemployment security fund some \$8½ million. We removed both of these items from the bill as a Committee Amendment, and other matters that were not pertinent to the bill. Subsequently there was a House Amendment that was put onto this bill amending the committee amendment, and I am sure, through error, it restored one section of the bill that would have cost the fund some \$3½ million. Now, I am going through a process hopefully of the right motions to kill the House Amendment and insert Senate Amendment "A" to the Committee Amendment.

I would now move that, under suspension of the rules, Mr. President, we reconsider our action whereby we passed this bill to be engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the rules be suspended and the Senate reconsider its action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

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

On further motion by the same Senator, the Senate voted to reconsider its action whereby House Amendment "A" to Committee Amendment "A" was Adopted and, on subsequent motion by the same Senator, House Amendment "A" to Committee Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-246, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, 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 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)

Tabled — June 18, 1973 by Senator Richardson of Cumberland.

Pending — Enactment.

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

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

Bill, "An Act Relating to County Estimates." (H. P. 1549) (L. D. 1983)

Tabled — June 18, 1973 by Senator Clifford of Androscoggin.

Pending — Adoption of Senate Amendment "A" (S-221)

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

Mr. TANOUS: Mr. President and Members of the Senate: Senate Amendment "A" is an amendment which I moved for adoption last week. We have met with the county commissioners, Senator Clifford and myself, and we have come up with another amendment which is a much better amendment, encompassing a better system on this particular bill of choosing the weight of the representatives to the county commissioners committee. So I would move to either withdraw my amendment or indefinite postponement, whichever.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that Senate Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Mr. Clifford of Androscoggin then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-247, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: I was on the County Government

Committee, and this is one of the original home rule bills which was reported out of that committee, and I signed an Ought Not to Pass Report, basically for two reasons: The first reason was that it attempted to get municipal representation in reviewing a review board to review county budgets. But the review board, as originally constituted, was based on one vote per town, without regard to population or valuation.

The second reason I opposed the bill in its original form was that it set out and enumerated a number of powers for the county governments which in my opinion and the opinion of some, gave rise to some conflicts with the municipalities in carrying out municipal functions.

Senate Amendment "C" provides for a review board by the municipalities, which are the bodies which actually pay the county tax, and that review board is based on population: one member per ten thousand population, or part thereof, and then the number of votes that those members have is further based on valuation, so that there is weighted voting based on both population and on valuation which, of course, is relevant in the county field because that is how the tax is paid by the municipalities, and it comes out of the property tax.

Senate Amendment "C" also eliminates most of the powers which were enumerated under the original bill, and it leaves in there powers which there is no question the counties do have, and it also specifies that it is not the intent of the bill to take away any of the powers that the counties currently have.

I think an interesting provision in the bill, which is a good provision, in that it allows and specifies that a county government can contract with a municipal government, with a town, to provide a municipal service as long as that municipality pays for that service. Unlike some of the services now provided by the counties, which are provided to the towns and paid for by the larger municipalities which do not get the service, this would encourage, I

think, a movement away from that area so that the larger urban communities would not be paying for services which the county government might render to a town.

It also provides that no bonds be issued until there has been a referendum in the county. And there is an appeal, after the municipal review board reviews the budget and approves the budget. If some of the towns do not feel that the budget is fair, then three-fifths of those towns by number, or any town or combination of towns making up 50 percent of the valuation, or paying 50 percent of the tax, can appeal to the legislature, and the legislature would then do what it does now, go through the regular legislative review process to review the county budget. I might add they would do it under the bill which this legislature passed allowing the legislative delegation and the County Government Committee, and the legislature as a whole, to cut line items in the county budget.

I think that this amendment has been worked out with the County Commissioners Association, with the Maine Municipal Association. I think it is not perfect, but I think it is an improvement because it does involve the people in reviewing the county budget who actually are responsible for raising the taxes to pay them, that is, the municipal officials. I think it is a reasonable compromise worked out between those groups, and I would hope that the amendment would receive favorable action and that the bill could pass. Thank you, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "C"?

Thereupon, Senate Amendment "C" was 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:

HOUSE REPORTS — from the Committee on Judiciary — Bill, "An Act Regulating Abortion Procedures." (H. P. 1195) (L. D.

1529) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass in New Draft, Same Title (H. P. 1615) (L. D. 2035)

Tabled — June 18, 1973 by Senator Berry of Cumberland.

Pending — Motion by Senator Tanous of Penobscot to accept Majority Report.

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

Mr. SPEERS: Mr. President, at the present time the State of Maine has no constitutional abortion statute on the books. The Supreme Court of the United States has indicated that the states may regulate and prohibit abortions in certain instances. This bill was drafted to comply with those Supreme Court guidelines as to what the states may do, and I would like to inquire, through the Chair, of the reasons of those signing the Ought Not to Pass Report.

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

Mr. TANOUS: Mr. President and Members of the Senate: I assume that question was directed to me as the Chairman. You know, as I sit here and think about this subject, it is ironic that years ago all those people that were in favor of liberalized abortions in Maine, or at least removing the abortion law from our books, are now in favor of having legislation on our books speaking on abortions, regulating or attempting to regulate abortions. Really, you start to think about how does a situation change, because I know that two years ago and four years ago my good friend, Senator Berry, was in favor of liberalizing the law on abortion, or at least I assumed that from his debate, and I find now that, at least in my discussions with him and Senator Speers, that they are in favor of placing legislation on the books regulating abortions, and they felt two years ago just the opposite.

In any event, I don't mind explaining my position on this bill. I suppose many of you feel it is a religious issue and therefore I am opposed to this particular bill. Well, I will tell you that I was

opposed to abortion two years ago, not because it was a religious issue, but because the law in our state here recognized the rights of an unborn child. That was my reasoning for opposing abortions two years ago. Every lawyer is cognizant of the fact that an unborn child has certain legal rights, and I was convinced that these legal rights should not be taken away from an unborn child. That was my reason for opposing abortion.

I now find myself in a position of opposing a bill that would regulate, or since the Supreme Court has ruled that our statute is unconstitutional, I find myself opposed to a bill that seems to regulate abortion procedures in Maine. Personally, I don't think this is what it does, and I will tell you my reason why very briefly. At the hearing on another bill, which was sponsored by Representative Dunleavy, a member of the other body, which he subsequently withdrew, the sponsor of this particular L. D. 1529, on which we came out with a new draft, L. D. 2035, brought with him to the public hearing an attorney from the University of Maine Law School, a very capable attorney, to speak in opposition to Representative Dunleavy's bill, which dealt with the same subject matter in this same area. This attorney mentioned to the committee his background, and he probably is one of the most knowledgeable attorneys in this country, as far as abortions are concerned. And from listening to him, I was somewhat convinced that it was probably his philosophy that he would favor abortions, but yet he was opposed to the Dunleavy bill.

Well, it set me thinking, and at the public hearing I questioned him about this particular bill, which is sponsored by a member of the other branch as well, and I was indeed surprised that he felt this particular bill was constitutionally suspect, and I think he felt that some areas of this bill were definitely unconstitutional, specifically the area where you attempt to regulate abortions to be performed in a hospital, for instance, in the second trimester. His opinion

was that this would be unreasonable, and I can concur with him, because what if an individual, for instance, a woman who was pregnant in the second trimester was dangerously ill, and I would assume that a doctor in his opinion would find it necessary that the child be taken from her to save her life, then under this particular bill it could be done in a hospital. Otherwise than that, he would be in violation of the law. So you would have to give him permission. I suppose you could amend the bill to give him permission to do it in case of an emergency. Then again, once you have given this permission, the permission would then be unconstitutional because it added regulations to the law.

Then you go on in Section 2, under B, the reporting section in there, and these reports are called for in this particular bill. I frankly feel this is an invasion of privacy under the Constitution. And it also makes these reports available to the Attorney General. Now, why should the Attorney General have this information from these reports, I question.

In continuation of my reasoning, I have here some remarks that were prepared by this attorney, and he mentions, for instance, Dill versus Bolten, which was a citation the Supreme Court used in its decision on the abortion question. And under Dill versus Bolten, this attorney from the Law School questions this act as being unconstitutional as well.

Now, last session, at the special session we enacted legislation, incidentally, which prohibits anyone from performing an abortion, so anyone else performing an abortion, which would be practicing medicine, would be subject to a penalty. So this does not mean that it is wide open abortion, because only doctors, under the federal court's ruling, could perform an abortion, and anyone else attempting this would be in violation of our present law.

Now, hospitals and doctors are regulated presently. It is my feeling that they are sufficiently regulated. The Health and Welfare

Department has rules and regulations which hospitals must follow relative to treatment of patients and hospitalization of patients. Doctors have upon them a further imposition of their particular oath of office.

Now, in argument in opposition to this bill, name me one other area in the law where we regulate doctors. Do we tell doctors how and where to perform tonsillectomies or appendectomies? Do we tell them they must be done in a hospital? No other area in the law tells doctors how they are going to perform their practice. Now, why should we all of a sudden come up with some legislation that is going to tell them how to practice in one particular area? It seems inconsistent. It seems inconsistent and it is opening the door perhaps to future legislation in regulating how other medical practices are going to be considered, how doctors will run their practices, or how hospitals will be run. I feel that if we have as much faith in our hospitals as we do now under the present Medical Practices Act, and our doctors, who have the ability to clean their own house if they have some complaints, I am convinced that if we have enough faith in our medical profession in our doctors, to act in their discretion on everything else that they have as far as medical treatment and hospital care is concerned, then I am certainly willing to abide by their decision and their discretion in this area. And I hope you would vote with me in accepting the Majority Ought Not to Pass Report of the Committee.

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

Mr. JOLY: Mr. President and Members of the Senate: I rise to support the good Senator from Penobscot, Senator Tanous. In so doing, I would like to read you a very short message. This is in the form of a petition that has been signed by 189 nurses, including six nursing supervisors. These are from Auburn, Lewiston, Portland, Sabattus, Lisbon Falls, all over the state.

"The nursing profession in Maine has always maintained high ethical standards in the performance of our duties. Accordingly, we the following Registered Nurses residing in Maine, urge our Representatives to pass L.D. 1992 to protect our professional prerogatives and request the defeat of L.D. 1529 which sanctions and implements abortion on demand. The reasons are as follows:

"1. The Supreme Court of the United States has made it legal to perform abortions up to and including the ninth month of pregnancy if a woman can prove to one physician that her life or health is endangered. Health, according to the Supreme Court of the United States, means the social and mental well-being of the woman.

"2. In L. D. 1529, which is an abortion on demand bill, the definition of abortion is as follows: 'Abortion is defined to mean the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus.'

"3. This definition is in direct conflict to Sections 4 and 5 of L.D. 1992 which mandates that live born children be given immediate medical care to preserve the life and health of the child.

"As professional nurses, we will continue to place the highest possible premium on the value and dignity of human life. Therefore, we urge the passage of L.D. 1992 and the defeat of the abortion on demand bill, L.D. 1529."

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I, too, would like to read into the record the remarks of 47 physicians, all State of Maine residents concerning, L. D. 1529. It says, "We, the following physicians residing and practicing in the State of Maine, urge the defeat of L. D. 1529 for the following reasons:

"1. With the announcement of the Supreme Court decision, abortion is no longer a criminal procedure, that is, it is currently an ordinary medical procedure in the eyes of

the law. "2. As such the following can be reasonably said:

"(a) Abortions will only be done by physicians. State laws already exist which prevent non-physicians from practicing medicine.

"(b) By requiring that physicians perform the abortions in a hospital (after the 12th week of pregnancy) the state sets a precedent. No other medical procedure is required by law to be performed in a hospital (for example, tonsillectomies). This usurping of medical judgment is a serious step.

"(c) If a physician exercises bad judgment and attempts abortions under unsafe conditions, he is liable under civil action for negligence, malpractice and unprofessional behavior. This is now covered by Maine law.

"Finally, the Maine Legislature has in the past found itself against the destruction of children for non-compelling medical reasons.

"To enact L. D. 1529 would place the legislature in the position of endorsing the Supreme Court decision which allows abortion on demand up to birth and in fact would encourage hospitals and physicians to perform abortions.

"Clearly, if the legislature still does not sanction the destruction of children in utero, it must not pass this piece of unnecessary legislation. We urge the defeat of L. D. 1529." It is signed by 47 Maine physicians. Thank you.

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

Mr. HICHENS: Mr. President and Members of the Senate: For the record, I would also like to read a letter that has been placed on your desks already.

"To all Members of the 106th Maine Legislature:

"Once again we ask you not to forget that the ministers and rabbis in the State of Maine have a great interest in what you will debate here today. The Supreme Court, aside from its having nullified God-given rights to life of a whole class of human beings, has contributed immeasurably to the already waning power of conscientious action in America. As men of God we believe and feel compelled to tell you that all

Americans are less human for what the Supreme Court has done.

"We hereby implore you to vote No to L. D. 1529 which calls attention to and makes special and extraordinary this most inhuman action. To have what is repugnant to our sensibilities forced upon us is one thing, but to actively sanction abortions by legislation which indicates compliance with an intolerable decision will only demonstrate what we have believed from the beginning. Abortion is a very great evil. It does to the defenseless what the strong would not have done — it takes human life.

"Lastly, we challenge you in conscience as the Lord God challenged the Israelites: 'do not cause the death of the innocent and the guiltless' (Exodus 23:7). The memory of man is short and his actions are sometimes expedient, but the Lord God does not forget. We, the following ministers and rabbis urge the defeat of L. D. 1529." I am not going to read the whole list of ministers and rabbis, but I have this list here of over 60 and I have another list of over 70 that come from my own area.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I think there is some misunderstanding. As I understand it, this bill is just to clarify what is now nothing. The Supreme Court decision rendered Maine's old law void in its entirety and wholly unenforceable. So as far as I understand it right now, there is nothing on the books to guide the procedure of hospitals and doctors.

I concur completely with the Senator from Penobscot, Senator Tanous, that of course the medical profession and the hospitals, and all those that are associated and trained to maintain health and preserve life, are going to behave in the most ethical fashion. But I think without having something on the books that we are in danger of perhaps allowing what are crudely known as abortion mills to flourish in the State of Maine. I think that this particular bill will add some regulations that will re-

quire that abortions shall be performed by physicians.

To me, and I perhaps am the only Senator that can speak knowingly on this subject, pregnancy is something that grows on you, and in the beginning its something like when you have an infection in your finger; the doctor can take care of it in your house. But as soon as it become a bone infection, or something that is major, he takes you to the hospital. Now this is something that has to happen when a doctor is going to take a woman to the hospital for an abortion of a pregnancy of any length of time, he has got to take her to the hospital, but there are the unscrupulous people who will not wait for a medical opinion and perhaps perform the abortion outside of the hospital. This I think would see to it this can happen, without the penalties that would become involved with breaking a law which we now no longer have.

After the 12th week it would have to be done in a hospital. It is now no longer a small infection in the finger; it is now a major operation. After the 24th week, it prohibits abortion except as necessary to preserve life and health. There are things besides just the life that I think should be taken into consideration of the women. It requires the consent of the husband, if the husband and wife are living together. It requires consent of the minor, in addition to that of her parent or guardian. In addition, these provisions would define abortion, would require filing of statistical data with the Department of Health and Welfare, and would repeal the invalid Maine Law.

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

Mr. SPEERS: Mr. President and Members of the Senate: I think that we have seen here this morning a classic example of the kind of misinformation that can be bandied about. Particularly on such a highly emotional issue as abortion, it can be garnered into a wave of support or opposition to a position which the opponents profess they do not wish to see come about.

We have seen a virtual parade here this morning of individuals professing to be opposed to abortion, but who are actually asking this body to sanction and, by taking no action whatever, to fully sanction what will come to be true abortion on demand.

Now, I was not in this body two years ago, and I am not one of the ones Senator Tanous from Penobscot mentioned were supporting attempts to liberalize abortion laws and are now turning around and supporting a position which would limit abortion. The same could be true of the individuals who took the other side on the issue of liberalizing abortion laws. It is quite clear that those who were opposed to liberalization of abortion laws in the past are now opposed to this particular bill which has as its purpose limiting abortion procedures as much as is constitutionally in the power of the state to do.

The good Senator from Penobscot, Senator Tanous, mentioned that an individual, an attorney, appeared before the Judiciary Committee and stated that he doubts whether the state would have the power to limit or control abortion procedures. Well, the Supreme Court of the United States has stated very specifically that the states may limit the procedure, or regulate the procedure, after the first trimester, and may prohibit the procedure after the second trimester, except in cases of the life or health of the mother.

Now, there is obviously quite some discussion as to what the meaning of "life or health of the mother" would be, as to whether or not this is actually any limitation whatever. But I would submit to this body that it certainly has a far greater chance of being a limitation on the ability or the legality of one performing an abortion than doing absolutely nothing and having nothing on the books. I fail to see how having no law whatever on the books is more regulatory of abortion procedures than is having a law on the books which was fashioned and designed to be constitutional and to be upheld by the Supreme Court of the United States.

Now, all of the arguments that the good Senator from Penobscot, Senator Tanous, used against this particular law: he said this is meddling in the medical procedure, it is requiring doctors to use a particular procedure where they do not have to use any particular procedure in other cases, such as tonsillectomies, all of these arguments could very well have been used against the abortion laws as they stood before the Supreme Court decision. Yet the good Senator from Penobscot supported the abortion laws as they stood before the Supreme Court decision.

It has been said that this particular law sanctions and implements abortion on demand. This particular law, as I read it—as I said, I was not here two years ago, and I come to this issue as a fresh issue and, as it was presented to the Committee on Judiciary and presented to this legislature, it seems to me that this particular law is an honest attempt to limit abortions on demand. We now have in the State of Maine abortion on demand. We do not have any law on our books at the present time which regulates or limits this procedure. That happens to be a fact. The Supreme Court of the United States has ruled that this law that we have had in the past is unconstitutional, and it has been implemented by the decision of the District Court here in the state. So we do not have any regulation of this procedure whatever at the present time. It would be legal to perform an abortion right up to the moment of birth, the seventh, eighth, or ninth month of pregnancy.

If we do not enact legislation, this legislature is actually being more liberal than the Supreme Court of the United States, because the Supreme Court has stated that the states may regulate and may prohibit in the third trimester. So if we wish to continue the situation whereby it would be legal for an individual to have an abortion, or another individual to perform an abortion, right up to the moment of birth, then all we need to do is to accept the Ought Not to Pass Report on this bill.

I would oppose the motion, and would do so because I feel that the state should take action, as far as it is constitutionally able to do, to prohibit and regulate this procedure. I would ask for a roll call, Mr. President.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Regulating Abortion Procedures." A "Yes" vote will be in favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

the Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Anderson, Brennan, Cianchette, Clifford, Conley, Cox, Cyr, Danton, Fortier, Graffam, Greeley, Hichens, Joly, Katz, Kelley, Marcotte, Minkowsky, Richardson, Roberts, Schulten, Tanous.

NAYS: Senators Berry, Cummings, Huber, Morrell, Peabody, Sewall, Shute, Speers, Wyman, MacLeod.

ABSENT: Senator Olfene.

A roll call was had. 22 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with one Senator being absent, the motion prevailed.

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

Mr. TANOUS: Mr. President and Members of the Senate: I move that the Senate reconsider its action whereby it accepted the Majority Report, and I urge you to vote against my motion.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report

of the Committee. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

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

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

"An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and the Division of Alcoholism and Providing an Alternative Sentencing for Violators of Drug Laws. (S. P. 635) (L. D. 2008)

Tabled — June 18, 1973 by Senator Conley of Cumberland.

Pending — Enactment.

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

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

Senate Amendment "A", Filing No. S-245, was Read.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I don't see Senate Amendment "A", so would the good Senator from Kennebec, Senator Speers, explain what it does?

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

Mr. SPEERS: Mr. President and Members of the Senate: This particular amendment would remove the law enforcement function, or make it clear to the law enforcement function of drug prevention would not be included in the new Office of Drug Abuse and Alcoholism Services. It was done at the request of the Attorney General's Office. When they were reading down through the bill and realized the broad powers given to the Office of Drug Abuse, the proposed new office of Drug Abuse and Alcoholism Services, there was some concern that the new office would have some sort of veto power over the law enforcement functions of the Attorney General's Office. This amendment is

designed to make it clear that the Attorney General's Office will have the sole duties and responsibilities for the law enforcement of drug abuse.

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

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — June 18, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

The President laid before the Senate the tenth 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 18, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-243, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: The amendment was prepared by Asa Richardson of the Department of Transportation, and substantially rewrites the bill in its present form. But he felt the amended version, I guess, would be a better version of the bill, so he submitted that to me to present for our consideration.

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

Thereupon, Senate Amendment "A" was Adopted and the Bill, as

Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy." (H. P. 1575) (L. D. 2004)

Pending — Consideration.

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

Mr. SCHULTEN: Mr. President and Members of the Senate: L. D. 2004, "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy", was thoroughly discussed here last Friday afternoon, and whether I was persuaded by the logic, wisdom and the eloquence of the Floor Leader to vote in the affirmative, I am not certain. Even today I feel I did vote according to logic.

I notice now that we are in conflict with the other body, and if we take a wrong vote today I am afraid what we will do is set up an area of disagreement within the state on a project that should mean, and evidently means, a great deal to all of us. In other words, this Maine Law Enforcement Academy in Waterville, which many of us have attended and seen the results of, is a project that is near and dear to many of us. It is doing a great deal of good to make our state police and our officers on local scenes a lot more receptive and knowledgeable about the laws that they are paid to enforce, and whose career they enter with the purpose of dedication. Without this academy I think we would be in dire straits.

I still believe the arguments that were used last Friday afternoon, that perhaps we should go slow and we should not consider at this point dedicated funds to enable the academy to continue, inasmuch as this academy does have sufficient funding until December 31, 1974. I believe also the Floor Leader pointed out that it was his sugges-

tion that the Legislative Research, I believe, should study how funding was to be implemented to cover the final six months of the 1975 time lapse, which would then put this funding problem into the following fiscal year.

My purpose this morning in speaking is just to say that if we take the action of not agreeing to join a committee of conference — and I might remind you gentlemen that last Friday afternoon our vote was very decisive; I think it was 19 to eight in favor of indefinitely postponing this bill which was not a true reflection, I don't think, of how we felt about the police academy — what I am saying is that the word has gotten out, it has caused a great deal of consternation among those who were charged with the responsibility of running the academy, and they can understand perhaps our decision that we too have problems, and particularly so when you talk about setting up dedicated funds for any department. However, they have come back, at least to me, with the argument that "Well, this is very fine and very logical, and certainly it is in the best interest of the state if what you say is true. However, our particular problem is that we need competent and fully qualified personnel to insure that the training programs that we have do the job that they were intended to do. While the federal funding may last until December of 1974, we are concerned right now with the constant need for qualified personnel, and certainly as we attempt to recruit people who can be of meaningful help to the academy, we find the thought that there may be a big problem about future funding is of great concern to possible applicants for the job."

I would ask this morning that the Senate would join a committee of conference with the other body, in the hopes that some sort of amendment or intent could be put forth that would express the sincere desires of the legislature to see the police academy continue to do the work that it is currently doing under federal funds, but that this problem will be studied with the aim and the whole legislative intent that come 1975 the matter will

receive the highest priority. For that reason I would vote to join a committee of conference.

The PRESIDENT: The Senator from Sagadahoc, Senator Schulten, moves that the Senate insist and join in a committee of conference.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: The fact that we have on the record committed ourselves to a very serious evaluation and promised that this problem will be worked on before the special session, and thoroughly handled and debated at the special session, that our regular budget for the second year is being treated in exactly the same way, would indicate that the precedent of establishing this operation in the budget now would be making an exception. I think that we are all pledged, and I personally have been well committed and have already started to contact some of the people to work on the program, and get everybody together so we can present the special session with a good analysis of this program, and at the special session can put it in the general services budget if it is so desired. I hope you vote against the motion, and then I hope we could adhere.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Sagadahoc, Senator Schulten, that the Senate insist and join in a committee of conference will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion prevailed.

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

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

Pending — Consideration.

On motion by Mr. Berry of Cumberland, the Senate voted to Insist and Request a Committee of Conference.

The PRESIDENT: Is it now the pleasure of the Senate that, under suspension of the rules, all matters handled this morning in the Senate

Chamber be sent forthwith either to the Engrossing Department or down to the House, wherever appropriate?

It is a vote.

On motion by Mr. Sewall of Penobscot,

Recessed until 2:00 o'clock this afternoon.

(After Recess)

Called to order by the President.

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Amend the Land Use Regulation Commission Law", (H. P. 627) (L. D. 851), the President appointed the following Conferees on the part of the Senate:

Senators:

SCHULTEN of Sagadahoc
CUMMINGS of Penobscot
MARCOTTE of York

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy", H. P. 1575) (L. D. 2004), the President appointed the following Conferees on the part of the Senate:

Senators:

BERRY of Cumberland
JOLY of Kennebec
CLIFFORD
of Androscoggin

Papers from the House

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

Non-concurrent Matter

Bill, "An Act Establishing the Office of Constituent Services." (H. P. 427) (L. D. 576)

In the House June 15, 1973, Passed to be Engrossed.

In the Senate June 18, 1973, Report "A", Ought Not to Pass, Read and Accepted, in non-concurrence.

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

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Relating to Sale of Crawfish or Imitation Lobster." (S. P. 237) (L. D. 688)

In the Senate June 18, 1973, Passed to be Engrossed as Amended by Senate Amendment "A" (S-244).

Comes from the House, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

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

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee of the 106th Legislature on Transportation report out a bill empowering the Governor, the Commissioner of Transportation or upon decision of both, to reduce speed limits in order to conserve fuel should it become warranted by an energy crisis. (H. P. 1623)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, "A single man has not nearly the value he would have in a state of union. He is an incomplete animal. He resembles the odd half of a pair of scissors"; and

WHEREAS, inspired by such thoughts the Honorable Thomas J. Mulkern of Portland has made firm plans to leave the ranks of bachelorhood on June 30, 1973; and

WHEREAS, at that time, he will enter the solemn bonds of holy matrimony with none other than the attractive and personable Miss Judith Moseley of Portland; now, therefore, be it

ORDERED, the Senate concurring, that We, his friends and colleagues of the One Hundred and Sixth Legislature of the great and sovereign State of Maine extend to that courageous gentleman from Portland, Mr. Mulkern and his attractive bride-to-be, the most sincere best wishes of the Legislature for a long and happy life; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the bride and groom in

honor of this occasion. (H. P. 1624)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications

State of Maine

House of Representatives

Augusta

June 19, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

The Speaker of the House appointed the following conferees on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Psychotherapist and Patient Privilege" (H. P. 1226) (L. D. 1601)

Messrs. McTEAGUE of Brunswick

NORRIS of Brewer

PERKINS of So. Portland

Respectfully,

E. LOUISE LINCOLN,

Clerk

House of Representatives

Which was Read and Ordered Placed on File.

State of Maine

House of Representatives

Augusta

June 19, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

Today the House voted to adhere to its action of June 15 whereby it Indefinitely Postponed Resolution, Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-year Terms. (S. P. 492) (L. D. 1557)

Respectfully,

E. LOUISE LINCOLN,

Clerk

House of Representatives

Which was Read and Ordered Placed on File.

State of Maine

One Hundred and

Sixth Legislature

Committee on Transportation

June 15, 1973

Honorable Kenneth P. MacLeod

President of the Senate

State House

Augusta, Maine

Dear President MacLeod:

It is a pleasure to inform you that the Committee on Transportation has considered and acted on all matters referred to it by the One Hundred and Sixth Legislature.

Following is the tabulation of bills as reported out of committee:

Total Number of	
Bills Received	99
Ought to Pass	22
Ought Not to Pass	24
(15 Covered by Orders to Study)	
Ought to pass as Amended	22
Ought to Pass	
in New Draft	7
Divided Reports	10
Leave to Withdraw	13
Referred to	
Another Committee	1

Very truly yours,
EDWIN H. GREELEY,
Chairman

EHG:ib

Which was Read and Ordered
Placed on File.

Committee Reports House

Ought to Pass

The Committee on State Government on, Bill, "An Act Relating to the Terms of the Commissioners of the Departments of Health and Welfare and Mental Health and Corrections and the Constitution of those Departments." (H. P. 1621) (L. D. 2039)

Reports pursuant to Joint Order (H. P. 1602) that the same Ought to Pass.

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

Which report was Read, the Ought to Pass Report of the Committee Accepted in concurrence and the Bill Read Once.

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Exempting "Trade-in" Property from the Stock in Trade Tax." (H. P. 679) (L. D. 886)

Reported that the same Ought to Pass.

Signed:

Senators:

COX of Penobscot
WYMAN of Washington

Representatives:

MAXWELL of Jay
MERRILL

of Bowdoinham
MORTON of Farmington
IMMONEN of West Paris
SUSI of Pittsfield
DAM of Skowhegan

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

Signed:

Senator:

FORTIER of Oxford

Representatives:

DRIGOTAS of Auburn
COTTRELL of Portland
FINEMORE

of Bridgewater
DOW of West Gardiner

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

Which reports were Read.

Mr. Fortier of Oxford then moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. FORTIER: Mr. President and Members of the Senate: Of course, I have no figures to present on this. This would not cost anything to the state but it would erode the municipal tax base. This is something else we have been doing consistently in spite of the work on the part of our municipal officials to increase that tax base.

I would also like to point out to you that there is nothing in the bill in regards to auditing the inventory. It requires inventory to be kept on trade-in items. For example, an item taken in trade 15, 20, or 25 years ago could still be kept on the inventory list. It could be an accumulation to the point that it could become ridiculous, so that the inventory required by law does not mean much except as an erosion of our tax base.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: We have other bills dealing with inventories, and I would appreciate it if somebody would table this bill until we find what we are going to do with the other bills.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Fortier of Oxford to Accept the Minority Ought Not to Pass Report of the Committee.

Enactors

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

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

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

(On motion by Mr. Richardson of Cumberland tabled and Tomorrow Assigned pending Enactment.)

An Act Revising the Laws Governing Admission to Mental Health Facilities. (S. P. 668) (L. D. 2034)

An Act Clarifying Certain Municipal Laws. (H. P. 1118) (L. D. 1454)

An Act Prohibiting the Acceptance of Money for Enrollment of Voters. (H. P. 1270) (L. D. 1645)

An Act to Allow Group Self-Insurance Under Maine's Workmen's Compensation Law. (H. P. 1345) (L. D. 1779)

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

An Act Repealing the Bank Stock Tax. (H. P. 1491) (L. D. 1919)

An Act Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices. (H. P. 1497) (L. D. 1924)

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

(On motion by Mr. Sewall of Penobscot, tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to Criminal Penalties for the Possession, Manufacture and Cultivation of Cannabis, Mescaline and Peyote. (H. P. 1604) (L. D. 2025)

An Act Relating to the Transfer of Prisoners Committed to County Jails. (H. P. 1605) (L. D. 2026)

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.

Emergency

An Act Reestablishing the Capitol Planning Commission. (S. P. 535) (L. D. 1688)

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

Emergencies

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)

An Act Making Capital Construction and Improvement Appropriations from the General Fund for the Fiscal Year Ending June 30, 1974. (S. P. 664) (L. D. 2020)

An Act to Make Allocations from the Departments of Inland Fisheries and Game for the Fiscal Years Ending June 30, 1974 and June 30, 1975. (S. P. 666) (L. D. 2032)

These being emergency measures and having received the affirmative votes of 25 members of the Senate 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: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, having voted on the prevailing side I move reconsideration of these bills.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby the above emergency measures were passed to be enacted. As many Senators as are

in favor of reconsideration will please say "Yes"; those opposed "No."

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

Reconsidered Matter

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

Mr. BERRY: Mr. President, is the Senate in possession of L. D. 2022, "An Act Authorizing the State Housing Authority to Establish Capital Reserve Funds"?

The PRESIDENT: The Chair would answer in the affirmative, the bill having been held at the request of the Senator.

Mr. BERRY: Having voted on the prevailing side whereby this bill was passed to be engrossed, as amended, I move the Senate reconsider its action.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves the Senate reconsider its action whereby Bill, "An Act Authorizing the State Housing Authority to Establish Capital Reserve Funds", was passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I would oppose that motion. It was debated this morning, and I would hope that the Senate would be consistent. The purpose of that amendment was to permit the state housing authority to make direct loans, but only those loans that were federally guaranteed.

Again I will say that we have a lot of rhetoric here about trying to do something about housing in this state. If we seriously want to do something about it, we would vote against reconsideration and leave that amendment on the bill.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby this bill as amended was passed to be engrossed in non-concurrence.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, I would ask for a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby Bill, "An Act Authorizing the State Housing Authority to Establish Capital Reserve Funds", was passed to be engrossed. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Cox, Graffam, Greeley, Hichens, Huber, Joly, Katz, Morrell, Peabody, Richardson, Roberts, Schulten, Sewall, Speers, Tanous, Wyman, MacLeod.

NAYS: Senators Aldrich, Brennan, Clifford, Conley, Cyr, Danton, Fortier, Marcotte, Minkowsky.

ABSENT: Senators Cianchette, Cummings, Kelley, Olfene, Shute.

A roll call was had. 19 Senators having voted in the affirmative, and nine Senators having voted in the negative, with five Senators being absent, the motion prevailed.

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

Mr. BERRY: Mr. President and Members of the Senate: I move the Senate reconsider its action whereby it adopted Senate Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby it adopted Senate Amendment "A". Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: I

would again oppose that motion. I think the housing shortage is absolutely terrible in the state. Again there is an opportunity to do something about it, but I suppose I get a message from the last vote that the Senate really doesn't care about the housing shortage in the state. I again would ask you to vote against the motion of the Senator from Cumberland, Senator Berry.

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

Mr. SPEERS: Mr. President and Members of the Senate: I take exception to the remarks of the good Senator from Cumberland, Senator Brennan, and characterize them as absolute nonsense that the Senate cares not about the housing shortage in this state. As I indicated this morning, the State Government Committee has considered a number of bills and has acted, I believe, quite responsibly in reporting out the bills that we feel would help the housing situation in the State of Maine, including the bill which would allow the housing authority to buy up some of the mortgages that presently exist, and free a good deal more money for the state banks to begin again to loan the money for some of these mortgages, and which the amendment is intended to place the government of the State of Maine directly in the direct loan business.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, I would like to reiterate what we said this morning. Rhetoric will not build one more house nor buy one more house. Rhetoric will do nothing but be rhetoric, just mere words. It is by your actions you are going to be known.

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

Mr. CONLEY: Mr. President and Members of the Senate: I am amazed that the Senator from Kennebec, Senator Speers, can get

so uptight over any words that the Minority Leader has to say relative to this item. It seems to me that the Senator stated his objections this morning to the adoption of this amendment, and everybody here understood clearly what the amendment was all about. And we had a very good vote on it this morning in adopting the amendment, 18 to 13. It seems strange to me that three hours later, after we go to lunch, that we can come back and reconsider, and then decide to kill it. I hope the Senate does vote to sustain the amendment and vote against the indefinite postponement of it.

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

Mr. RICHARDSON: Mr. President, I would inquire of the Chair, if I might, as to whether or not this was a unanimous Ought to Pass Report on L. D. 2022.

The PRESIDENT: The Chair would answer in the affirmative, it is the unanimous Ought to Pass in New Draft Report.

The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby it adopted Senate Amendment "A" to Bill, "An Act Authorizing the State Housing Authority to Establish Capital Reserve Funds". The Chair will order a division. As many Senators as are in favor of reconsideration will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 19 Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, Senate Amendment "A" was Indefinitely Postponed and the Bill Passed to be Engrossed in concurrence.

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.