

# 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, July 3, 1973

Senate called to order by the President.

Prayer by the honorable J. Hollis Wyman of Milbridge.

Reading of the Journal of yesterday.

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

RESOLUTION, P r o p o s i n g Amendments to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters Which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators shall be Taken before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040)

Tabled — July 2, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

(House Amendment "E" (H-600)

(House Amendment "F" (H-615)

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

Senate Amendment "C", Filing No. S-293, was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: The amendment changes the present status of the constitutional proposal from 132 members to the existing house number of 151.

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

Under suspension of the rules, sent down forthwith for concurrence.

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

Bill, An Act to Organize the Unorganized and Deorganized Territories of the State and to Provide for Management of the Public Reserved Lands. (H. P. 1382) (L. D. 1812)

Tabled — July 2, 1973 by Senator Berry of Cumberland.

Pending—Enactment.

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

Mr. RICHARDSON: Mr. President, I will be mindful of our Senator's prayer this morning when he asked us to be short on rhetoric, but I think L. D. 1812 deserves some explanation.

There is real concern on the part of many people, including apparently some of the staff members in the Governor's office and some legislative assistants to members of the leadership, that L. D. 1812, as amended, does not include a so-called boundary commission. I have discussed this in detail with the Attorney General of the state, and I can assure that it is the intention of the Public Lands Committee to forthwith, after the session, try to put together a comprehensive statutory scheme for the management of the public lots, their location, collection and management. I don't think it is appropriate to try to do this at this time and, therefore, Mr. President, I move the enactment of L. D. 1812 in its present form.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to Definition of Retail Sale under Sales and Use Tax Law. (L. D. 1061)

An Act Relating to Maternity Benefits for Unmarried Health In-

surance Policyholders and Minor Dependents of Health Insurance Policyholders. (L. D. 1099)

An Act to Enable the Department of Environmental Protection to Study the Groundwater Problem of the State. (L. D. 1110)

An Act Providing Funds for Development of an International Conference Center on Peaks Island. (L. D. 1127)

An Act Relating to Liquor Purchased from State Liquor Stores. (L. D. 1133)

An Act to Provide Maine Students with Benefits of Environmental Education. (L. D. 1205)

An Act to Establish an Advisory Committee on Corrections. (L. D. 1209)

An Act Providing for Suspensions of Domestic Corporations by the Secretary of State. (L. D. 1212)

An Act Repealing the Corporate Franchise Tax and Adjusting Fees in the Office of the Secretary of State. (L. D. 1251)

An Act to Exempt Houseparents of Boys Training Center from Law Dealing with Housing and Food Supplies Furnished by State Departments. (L. D. 1347)

An Act Requiring that the National School Lunch Program be Implemented in All Public Schools. (L. D. 1392)

An Act Exempting Fuels Used to Heat Commercial Poultry Houses from the Sales Tax. (L. D. 1393)

Resolve, Providing Funds for Saco Valley Association for Retarded Children. (L. D. 1431)

An Act to Exempt Diabetic Medical Supplies from the Sales Tax. (L. D. 1433)

An Act to Establish a Cooperative Education Support Program. (L. D. 1437)

An Act Providing for Marine Resource Education by Department of Sea and Shore Fisheries. (L. D. 1462)

An Act Relating to Sales Tax on Farm Machinery and Equipment. (L. D. 1465)

An Act Extending the Hours of the Maine State Library (L. D. 1571)

An Act Appropriating Funds to Provide a Public Information Officer at Bangor State Hospital. (L. D. 1631)

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to the State Valuation of the Town of North Berwick. (L. D. 1634)

The same Senator moved that the Bill be Indefinitely Postponed.

Mr. Hichens of York then moved that the Bill be tabled until later in today's session, pending the motion by Mr. Sewall of Penobscot that the Bill be Indefinitely Postponed.

On motion by Mr. Berry of Cumberland, a division was had. Four Senators having voted in the affirmative, and 26 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Bill was Indefinitely Postponed in non-concurrence and, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Establishing an Office of Early Childhood Development in Maine. (D. D. 1639)

An Act Relating to Valuation of Shares of Joint Owners of Property and to the Disposition of Joint Property on Death of a Joint Owner. (L. D. 1664)

(On motion by Mr. Tanous of Penobscot, tabled until later in today's session, pending Enactment.)

An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities. (L. D. 1656)

On motion by Mr. Shute of Franklin, tabled until later in today's session, pending Enactment.)

An Act to Provide an Agricultural Education Consultant within the Department of Education and Cultural Services. (L. D. 1673)

An Act Appropriating Funds to Facilitate Access to Services Es-

sential for Older People (L. D. 1701)

On further motion by the same Senator, except for the tabled matters, Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

#### Reconsidered Matter

Mr. Hichens of York moved that the Senate reconsider its prior action whereby it Indefinitely Postponed An Act to Establish an Advisory Committee on Corrections, L. D. 1209.

The PRESIDENT: The Senator has the floor.

Mr. HICHENS: Mr. President and Members of the Senate: About two months ago, after this bill had been presented to the Committee on State Government to establish an advisory committee on corrections, members of the SCAR organization were in the Governor's office and in the House of Representatives demanding that the Board of Visitors be eliminated at the state prison, and that a board be set up to study the problems of not only the state prison but of the men's correctional center and other institutions of the state. The Governor, on the advice of the Department of Mental Health and Corrections, made the statement in the press that if this bill, An Act to Establish an Advisory Committee on Corrections, was not enacted as an emergency measure that he would appoint a committee of his own, but that he hoped that the legislature would appoint this advisory committee as set up, giving a member of the Senate a seat on that board, a member of the House of Representatives, and a group of citizens throughout the state.

Under those conditions, I feel it necessary that we reconsider our action where this was indefinitely postponed this morning, that this advisory committee on corrections be established, and that, at the cost of less than \$2,000 each year, I think it would be well worth our reconsideration for passage of this measure.

The PRESIDENT: The Senator from York Senator Hichens, moves

that the Senate reconsider its actions whereby Bill, An Act to Establish an Advisory Committee on Corrections, was indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Thereupon, on motion by Mr. Sewall of Penobscot, a division was had. Eight Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion did not prevail.

On motion by Mr. Sewall of Penobscot, recessed pending the sound of the bell.

#### After Recess

Called to order by the President.

On motion of Mr. Berry of Cumberland, the Senate voted to take from the table the second unsigned matter:

Committee of Conference Report on Bill, "An Act Relating to Joint Standing Committees of the Legislature." (S. P. 560) (L. D. 1731) — Senate recede and concur with the House and Pass the Bill to be Engrossed, as amended by House Amendment "A" (H-584)

Tabled July 2, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

On further motion by the same Senator, the Report of the Committee of Conference was Accepted and, under suspension of the rules, sent down forthwith for concurrence.

#### Papers from the House

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

#### Joint Order

ORDERED, the Senate concurring, that the Clerk of the House and the Secretary of the Senate be authorized to furnish 100 8c postage stamps for each member of the House and Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State. (H. P. 1651)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

### Communications

State of Maine  
One Hundred and Sixth Legislature  
Committee on Appropriations  
and Financial Affairs

June 28, 1973

Honorable Kenneth P. MacLeod  
President of the Senate

State House  
Augusta, Maine

Dear President MacLeod:

The Committee on Appropriations and Financial Affairs is pleased to report the completion of the business of the 106th Legislature that was placed before this Committee.

Total number of bills acted upon, including 3 referrals	143
Ought to Pass	46
Ought Not to Pass	34
Ought to Pass as Amended	16
Ought to Pass in New Draft	10
Divided Reports	7
Leave to Withdraw	23
Referred to Another Committee	2
Initiated Pursuant to Joint Order	5

Sincerely,

JOSEPH SEWALL

Chairman

Which was Read and Ordered Placed on File.

### Non-concurrent Matter

Bill, "An Act Establishing the Maine State Student Incentive Grants Program." (S. P. 539) (L. D. 1758)

In the House June 5, 1973, Passed to be Enacted.

In the Senate July 2, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-153) and Senate Amendment "C" (S-290), in non-concurrence.

Comes from the House, that Body having Adhered.

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

Mr. KATZ: Mr. President, the choice before the Senate this morning is to recede and concur, in which case we will have before us the question of the enactment of a \$5 million bill, which cannot be funded. The other motion is to adhere, in which case the bill is dead. In either case, the choice

before us this morning apparently is the killing of this bill which the Senate debated at some length yesterday. It was on that basis that I would have sought to table the thing until I could think of some possible alternative, but the alternatives before us are the alternatives between disaster and chaos, and it is not a very good choice to make.

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

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

### Non-concurrent Matter

Bill, "An Act to Provide a Maine Homestead Property Tax Exemption Law." (H. P. 1588) (L. D. 2016)

In the Senate June 29, 1973, Passed to be Engrossed as Amended by House Amendment "C" (H-612).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-616), in non-concurrence.

On motion by Mr. Berry of Cumberland, tabled pending Consideration.

### Joint Order

WHEREAS, on December 5th, 1898, the inhabitants of South Portland were granted and officially adopted a city charter; and

WHEREAS, the year 1973 marks the seventy-fifth anniversary of its founding as a city and municipal corporation; and

WHEREAS, the inhabitants, having great pride in the past and full confidence in the future, have formed a Celebration Committee to arrange appropriate activities for the week of July 2 through July 8, 1973, in honor of the occasion; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine now assembled, pause to salute the City of South Portland on this, its historic anniversary, and join all the citizens of Maine in wholehearted support of the efforts of the Celebration Commit-

tee in its efforts to celebrate the 75th anniversary of the founding of the City of South Portland in the State of Maine; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to the City and its Committee of Celebration in commemoration of the occasion. (H. P. 1652)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

### Enactors

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

An Act Appropriating Funds to Provide Vocational Rehabilitation Services to Handicapped Persons. (H. P. 482) (L. D. 626)

An Act Relating to Community Based Services for the Mentally Retarded. (H. P. 509) (L. D. 674)

An Act Establishing a State Tuition Equalization Fund for Maine Students Attending Maine Private Institutions of Higher Education.

(On motion by Mr. Sewall of Penobscot, tabled until later in today's session, pending Enactment.)

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

### Emergency

An Act Relating to Working Capital of the Bureau of Alcoholic Beverages. (S. P. 128) (L. D. 305)

On motion by Mr. Sewall of Penobscot, Indefinitely Postponed in non-concurrence and, under suspension of the rules, sent down forthwith for concurrence.

### Emergency

An Act Appropriating Funds for Expansion and Improvement of the Biddeford Municipal Airport. (S. P. 518) (L. D. 1649)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secre-

tary presented to the Governor for his approval.

### Emergency

An Act to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor. (H. P. 648) (L. D. 864)

On motion by Mr. Sewall of Penobscot, tabled until later in today's session, pending Enactment.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act to Coordinate and Effectively Utilize Resources Available to Maine's Elderly. (L. D. 1618)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-294, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act to Create the Maine Guarantee Authority and to Amend the Maine Industrial Building Authority and Maine Recreational Authority Statutes. (L. D. 2033)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

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

Senate Amendment "B", Filing No. S-297, to Senate Amendment "A" was Read and Adopted and Senate Amendment "A", as Amended by Senate Amendment "B" thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Appropriating Funds to Department of the Attorney General to Print Reports of Two Attorneys General. (L. D. 1034)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior 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-298, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Creating the Office of State Fire Marshal. (L. D. 1910)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior 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-295, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Establishing the Maine Training Fund. (L. D. 1805)

An Act to Expand Human Resources by Rehabilitating Recipients of State Aid. (L. D. 1819)

An Act Relating to State Aid for School Construction. (L. D. 1827)

An Act Relating to State Income Tax Deduction for Student Tuition Payments. (L. D. 1898)

An Act to Provide \$50,000 to Purchase Land for a Wildlife Management Area in Warren Pond Area of York County. (L. D. 1900)

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act to Authorize Bond Issue in the Amount of \$3,000,000 for Acquisition of Real Property for State Parks. (L. D. 1537)

This being a Bond Issue, and having received the affirmative votes of 29 members of the Senate, with one Senator voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

Resolve, to Reimburse Mrs. Wellington E. Fifield of Patten for Payment of Malt Liquor License. (L. D. 1565)

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

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On motion by Mr. Sewall of Penobscot, the Senate voted to



take from the Special Appropriations Table the following:

An Act Providing Funds for Fishway on the Kennebec River. (L. D. 1544)

An Act to Establish the Saco River Corridor. (L. D. 1545)

An Act to Provide Schooling for Juvenile Offenders in Place of Incarceration. (L. D. 1581)

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

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to Protective Services for Incapacitated Adults. (L. D. 386)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

Mr. Shute of Franklin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A," Filing S-281, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act to Permit the State Board of Education to Reimburse the City of Portland for School Construction. (L. D. 1037)

An Act Providing Minimum Retirement Benefits for Certain Teachers. (L. D. 1049)

An Act to Create a Commission to Prepare a Revision of the Insurance Laws Relating to Insolvent or Delinquent Insurers. (L. D. 1066)

An Act Providing Funds for Continued Operation of Regular Ferry Service between Rockland and Matinicus Island. (L. D. 1137)

An Act Providing Funds for Director of Volunteer Services in

the Division of Probation and Parole. (L. D. 1299)

These being emergency measures and having received the affirmative votes of 28 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.

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act providing Pensions for Former Governors and their Widows. (L. D. 1077)

An Act Providing Funds for a Fishway at Pitcher Pond in Lincolnville. (L. D. 1081)

An Act to Appropriate Funds for the Purpose of Creating an Office of Off-reservation Indian Development within the Department of Indian Affairs. (L. D. 1290)

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

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

Resolve, Providing Funds for Shalom House, Inc., a Halfway House in Portland. (L. D. 1122)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

Resolve, Providing for Abilities and Goodwill, Inc. (L. D. 1286)

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

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On motion by Mr. Sewall of Penobscot, the Senate voted to

take from the Special Appropriations Table the following:

Resolve, to Reimburse Frank E. Wise of Gorham for Plane Damage at Augusta State Airport. (L. D. 1298)

Resolve, in favor of George W. Mitchell of Peter Dana Township, for Personal Injuries. (L. D. 1334)

Resolve, Providing Funds for Portrait of Honorable Margaret Chase Smith. (L. D. 1338)

Resolve, to Reimburse Bass Shoe Employees Federal Credit Union for Damage to Property by Escapees of Women's Correctional Center. (L. D. 1361)

Resolve, Providing for Purchase of One Hundred and Fifty Copies of History of Solon. (L. D. 1604)

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

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to Service Retirement for Certain Members of the State Police. (L. D. 1323)

An Act Amending the Law Relating to the Provision of Housing and Meals to State Employees. (L. D. 1344)

An Act Changing the Number of Parole Board Members and Modifying the Qualifications for Eligibility for Appointment. (L. D. 1352)

An Act to Create a Commission to Prepare a Revision of the Probate Laws and the Administration Thereof. (L. D. 1373)

An Act Relating to Sudden Infant Death. (L. D. 1621)

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

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On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Appropriating Funds to Educate and Rehabilitate Persons Handicapped by Deafness. (L. D. 1377)

An Act Relating to the Disposal of Junked Cars. (L. D. 1901)

An Act Exempting Motor Vehicles Purchased by Non-residents from Sales Tax. (L. D. 1921)

An Act Relating to School Buses. (L. D. 1936)

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

An Act Relating to Maine Sardine Inspection Service. (L. D. 1927)

Which, except for the matter set aside, were Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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

An Act Relating to School Buses. (L. D. 1936)

Pending — Motion by Mr. Sewall of Penobscot that the Bill be Indefinitely Postponed.

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

Mr. HICHENS: Mr. President and Members of the Senate: I request a division on that motion and I would speak to my request. This is the second time that I have had to stand and oppose the motion this morning. Both of these have been my bills. This L. D. 1936 is a revision of the school bus laws in the State of Maine with a small appropriation. It is a very extensive bill for the safety of the boys and girls riding our school buses in the state. Outside of the appropriation, there are so many parts to this bill that are very important for the safety of these youngsters, a bill which was taken from three separate bills and compiled into one, and had an extensive study by the State Police, the Board of Education, the Transportation Committee and the Department of Transportation, and now the wisdom of the Appropriations Committee is that it be scuttled altogether. I think this is a very false judgment, and I would ask for a division on that motion to indefinitely postpone.

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

Mr. SPEERS: Mr. President, I would join the good Senator from York, Senator Hichens, in opposing the motion. I can think of little that has come before the Senate in this session which could affect the daily lives of practically every child in the State of Maine.

The good Senator explained very fully that this bill is an extremely important bill, regardless of the appropriation on it, for the daily safety of the children of the state riding in school buses, and I would certainly hope that this bill could be enacted.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled pending the motion by Mr. Sewall of Penobscot that the Bill be Indefinitely Postponed.

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

Bill, An Act Appropriating Funds for Public Housing Authorities for Operating Subsidies. (H. P. 1365) (L. D. 1821)

Tabled—July 2, 1973 by Senator Berry of Cumberland.

Pending—Motion by Senator Sewall of Penobscot to Indefinitely Postpone.

Thereupon, the Bill was Indefinitely Postponed in non-concurrence and, under suspension of the rules, sent down forthwith for concurrence.

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

Bill, An Act to Regulate Revolving Credit Accounts. (H. P. 45) (L. D. 52)

Tabled—July 2, 1973 by Senator Sewall of Penobscot.

Pending — Motion of Senator Brennan of Cumberland to Reconsider Action Whereby Bill was Indefinitely Postponed.

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

Mr. BERRY: Mr. President, I would support the motion of the Senator from Cumberland, Senator Brennan. The price has been removed from this bill and everybody concerned believes it should pass.

The Senate then voted to reconsider its prior action whereby the Bill was Indefinitely Postponed.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Authorizing a Business Manager for the Department of the Attorney General. (L. D. 1683)

An Act Proving Funds for Study of the Recreational and Transportation Aspect of Bicycling. (L. D. 1908)

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

These being emergency measures and having received the affirmative votes of 27 members of the Senate, with two Senators voting in the negative, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Barbara Goodwin. (L. D. 1600)

Resolve, to Develop a Comprehensive Development Concept for Maine Mountain Areas and Provide Funds for a Preliminary Plan. (L. D. 1694)

These being emergency measures and having received the affirmative votes of 27 members of the Senate, with two Senators voting in the negative, were Finally Passed and, having been signed by the President, were by the

Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Appropriating Funds to Continue Emergency Employment Act Services at Bangor State Hospital. (L. D. 1588)

An Act Relating to the Public Employees Labor Relations Board. (L. D. 1651)

An Act Increasing Reimbursement to Secondary School Students from Coastal Islands for Board. (L. D. 1792)

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act to Authorize Bond Issues in the Amount of \$25,000,000 to Provide Funds for School Building Construction. (L. D. 1800)

This being a Bond Issue and having received the affirmative votes of 27 members of the Senate was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

Resolve, Providing Funds for Purchase of Water Rights and Dam on Big Ferguson Stream, Somerset County. (L. D. 1838)

Resolve, Providing for Purchase of Copies of History of Monson. (L. D. 1854)

Resolve, to Reimburse Higgins Classical Institute for Costs of Certain Students. (L. D. 1865)

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take

from the Special Appropriations Table the following:

An Act Relating to Disposal of Septic Tank or Cesspool Waste. (L. D. 1710)

An Act Appropriating Funds for Sheltered Group Care Home for Girls. (L. D. 1878)

An Act Relating to Consolidating Reports of State Departments and Agencies. (L. D. 1911)

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Exempting from the Sales Tax to Nonprofit Health Care Corporations. (L. D. 1942)

(On motion by Mr. Minkowsky of Androscoggin, temporarily set aside, pending Enactment.)

An Act Relating to Self-insurance under Workmen's Compensation Law and to Create a Fund for Payment of Adjudicated Industries Accident Claims Involving State Employees and to Establish a Safety Program. (L. D. 1958)

An Act Authorizing the Department of Health & Welfare to Pay Medical Expenses when these Expenses Constitute a Financial Catastrophe. (L. D. 1971)

An Act Relating to Property Tax and Rent Relief for Disabled Persons. (L. D. 2014)

An Act Relating to the Cost of Operation of a Venue in the Superior Courts. (L. D. 1897)

On further motion by the same Senator, except for the matter set aside, Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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

An Act Exempting from the Sales Tax Nonprofit Health Care Corporations. (L. D. 1942)

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I would like to pose a question first through the Chair to the Taxation Committee Chairman, if I may, as to whether this was the same document that encompassed the home health agencies in the State of Maine?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to any member of the Taxation Committee who may answer if they desire.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: My recollection is that it does encompass these agencies. We had some 200 bills in State Government and 100 in Taxation, and without rechecking it I cannot give a definite answer.

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

Mr. MINKOWSKY: Mr. President, I would like to express my thanks to the Senator from Washington, Senator Wyman. I just wanted to be sure this was the case.

Mr. President and Members of the Senate: I look at the revenue loss to the State of Maine and I really question it as being this high. I am just wondering at the present time, before we go any further with the bill, if there might be any verification as to how the Appropriations Chairman arrived at \$30,000 loss in the first year of the biennium and \$40,000 in the second year of the biennium, because when analyzing this particular bill in the beginning, the most that it would lose was not to exceed over \$20,000, and this would include all the five home health agencies, plus the other non-profit corporations that came under three other bills. And possibly I would like to pose that question through the Chair, before we proceed with this bill any further, as to how he arrived at that particular estimate.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed another question

through the Chair which any Senator may answer if they desire.

Is it now the pleasure of the Senate that this bill be indefinitely postponed?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I move this item be tabled until later in today's session.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that Legislative Document 1942 be tabled until later in today's session, pending the motion by the Senator from Penobscot, Senator Sewall, that the Bill be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

On motion by Mr. Berry of Cumberland, a division was had. One Senator having voted in the affirmative, and 27 Senators having voted in the negative, the motion to table did not prevail.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: Really, all this attempts to do is allow the home health agencies and other non-profit corporations in the State of Maine the very same consideration that has been given to Maine hospitals.

Now, in the home health agency field there is much after care services being offered, and the idea behind it was to cut down their operating expenses. It makes no difference, really, that if the hospitals are eligible to receive a sales tax exemption along these lines that the health agencies and other non-profit corporations in the State of Maine be granted the very, very same status, and this is the only thing I was really trying to bring out, that I think the estimate of loss of revenue is away too high and that I wish reconsideration could be given to this particular item. But if this is not the case, I will concede that I lost this entire matter.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be indefinitely postponed?

The motion prevailed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act to Create a Maine Agricultural Bargaining Board. (L. D. 1941)

An Act Relating to Student Rates for Ferry Service for North Haven, Vinalhaven, Islesboro, Swan's Island and Long Island Plantation. (L. D. 1950)

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

An Act Expanding and Clarifying the Functions and Purposes of the Panel of Mediators. (L. D. 1996)

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

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act to Create a Commission to Prepare Legislation Revising the Trial Court System. (L. D. 1473)

An Act to Establish Title to Islands in Maine Coastal Waters and to Create the Maine Coastal Island Registry. (L. D. 1608)

These being emergency matters and having received the affirmative votes of 31 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.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to Family Planning Services. (L. D. 1823)

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Authorizing the State Housing Authority to Establish Capital Reserve Funds. (L. D. 2022)

The same Senator then moved the pending question.

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

Mr. SPEERS: Mr. President, this bill came out of the Committee on State Government as one of the many bills we were considering having to do with the very serious problem of housing in the State of Maine, and I certainly support the motion of the good Senator from Penobscot, Senator Sewall, to enact this bill, and I would ask for a roll call.

The PRESIDENT: A roll call has been requested. Under the terms of 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 Senator 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 enactment of Legislative Document 2022, An Act Authorizing the State Housing Authority to Establish Capital Reserve Funds. A "Yes" vote will be in favor of final enactment; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEA — Senators Aldrich, Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Hichens, Huber, Joly, Kelley, Marcotte, Minkowsky, Morrell, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, Wyman, MacLeod.

NAY — Senator Anderson.

ABSENT—Senators Katz, Olfene. A roll call was had. 30 Senators having voted in the affirmative, and one Senator having voted in the negative, with two Senators being absent, the Bill was Passed to be Enacted and, having been

signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Providing for Maine's Elderly. (L. D. 2028)

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

An Act to Establish a State Housing Rehabilitation Program. (L. D. 2029)

An Act to Increase the Salaries of County Attorneys and Assistant County Attorneys. (L. D. 1267)

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

#### **Papers from the House**

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

#### **Communications**

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330

July 3, 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 29 whereby RESOLUTION, Proposing Amendments to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters Which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators

shall be Taken before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040) failed final passage.

Respectfully,  
E. LOUISE LINCOLN, CLERK  
House of Representatives  
Which was Read and Ordered Placed on File.

On motion by Mr. Sewall of Penobscot,  
recessed until 1:30 this afternoon.

#### **After Recess**

Called to order by the President.

#### **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 to Correct Errors and Inconsistencies in the Public Laws." (S. P. 678) (L. D. 2044)

In the Senate July 3, 1973, Passed to be Engrossed as Amended by Senate Amendments "A" (S-256), "B" (S-258), "C" (S-261), "D" (S-262), "F" (S-267), "G" (S-270) and "K" (S-280).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendments "A", "B", "C", "D", "F", "G", and "K" and House Amendment "C" (H-617), in non-concurrence.

On motion by Mr. Tanous of Penobscot, the Senate voted to Recede and Concur.

Thereupon, under suspension of the rules, sent forthwith to the Engrossing Department.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Providing Funds for Psychiatric Aides at Pineland Hospital and Training Center. (L. D. 1266)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior 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-301, was Read and Adopted and the Bill, as Amended, Passed

to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Appropriating Funds for Medical Care Development, Incorporated. (L. D. 1496)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior 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-302, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act to Amend the Elderly Householders Tax Relief Act. (L. D. 1641)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

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

Senate Amendment "A", Filing No. S-299, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the table the following:

An Act Establishing a State Tuition Equalization Fund for Maine Students Attending Maine Private Institutions of Higher Education. (L. D. 1225)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

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

Senate Amendment "C", Filing No. S-300, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

#### **Papers from the House**

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

#### **Non-concurrent Matter**

An Act Requiring that the National School Lunch Program be Implemented in All Public Schools. (H. P. 1067) (L. D. 1392)

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

In the Senate July 3, 1973, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Berry of Cumberland, tabled pending Consideration.

#### **Joint Order**

WHEREAS, "A news sense is really a sense of what is important. what is vital, what has color and life, what people are interested in. That's journalism;" and

WHEREAS, Richard M. Kisonak of Lewiston, reporter and journalist with the Lewiston Daily Sun



sensed such feelings in the Maine Legislature and often portrayed them in depth; and

WHEREAS, Mr. Kisonak has been stricken by a terminal disease known medically as amyotrophic lateral sclerosis; and

WHEREAS, his life's work has been crushed by the affliction, leaving only the spirited determination of a brave and courageous man; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the One Hundred and Sixth Legislature of the great and sovereign State of Maine, now assembled in regular legislative session, set aside for a moment our deliberations to honor a reporter and legislative journalist who has given his all to the art of his profession and a man who we can be proud to call our friend; and be it further

ORDERED, that a suitable copy of this Joint Order be prepared and presented to Mr. Kisonak in token of our esteem. (H. P. 1653)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### **Enactors**

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

#### **Emergency**

An Act Relating to Joint Standing Committees of the Legislature. (S. P. 560) (L. D. 1731)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, with one Senator voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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 actions whereby Bill, An Act Relating to Joint Standing Committee of the Legislature, was passed to be enacted.

The Senator has the floor.

Mr. BERRY: Mr. President, I would like to take this occasion to emphasize the importance of this bill. I think a small measure of the importance that is attached to it is the very very impressive delegation we have from the other body here who are cheering it on to its final enactment.

The bill that we have just enacted is an extremely important part of the measures that the legislature has been grappling with for most of the session. The continuation of the joint standing committees of the legislature to work when the legislature is not in process will assure a continuation of the consideration of these matters, and it will not be a continuation of what has been happening in the past where we adjourn, the bureaucrats give a sigh of relief, and they are happy to see us on our way.

One of our main objectives is going to be the modernization and hoping and attempting to increase the effectiveness of state government. This landmark legislation which you have seen enacted today is a tremendous step in this direction.

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

Mr. SPEERS: Mr. President, as the sponsor of this particular measure, I would welcome the opportunity to make a few comments as to why this bill was introduced.

The bill was heard before my Committee on State Government and was reported out of that Committee as leave to withdraw because we felt and had hoped that the same concept would have been enacted into law with the entire legislative reform package. That, of course, did not happen, but it does not diminish the importance of the continuation of the joint standing committees of this legislature.

My feeling in wanting this kind of activity was born out of the determination that it is really a bit nonsensical to have joint standing committees existing for six months out of every two years, and when the legislature adjourns

the committees disband and are never heard of again as committees, while another committee then picks up the work and does the studies as a separate committee, the studies that have been determined are needed during the session. The people that have been dealing with the problems and grappling with the problems for the six months during the session are totally forgotten and are not utilized, even though these are the individuals who have gained a certain familiarity with the problems over the six months and during the hearings that are held on these particular bills.

I think this is an important step forward in modernizing the legislature, in letting the legislature keep up with developments as they happen for 12 months out of the year rather than just the six months out of every two years that we have been meeting and as has been the case in the past. I am certainly very happy to see that we are going to continue to do work for the people of the State of Maine, and that we are not here as elected Senators for just six months out of every two years.

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 Bill, An Act Relating to Joint Standing Committees of the Legislature, was passed to be enacted. As many Senators as are in favor of the motion to reconsider 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 matter tabled earlier in today's session by Mr. Tanous of Penobscot:

An Act Relating to Valuation of Shares of Joint Owners of Property and to the Disposition of Joint Property on Death of a Joint Owner. (L. D. 1664)

Pending — Motion by Mr. Sewall of Penobscot that the Bill be Indefinitely Postponed.

Thereupon, on motion by Mr. Sewall of Penobscot, retabled until later in today's session, pending the motion by that Senator that the Bill be Indefinitely Postponed.

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

An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities. (L. D. 1656)

Pending — Motion by Mr. Sewall of Penobscot that the Bill be Indefinitely Postponed.

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

Mr. SHUTE: Mr. President and Members of the Senate: I think all of us have some reason to rejoice and some reason to be saddened by the fate of our bills as they have gone through the hands of the Appropriations Committee and its capable Chairman. L. D. 1656 is one of those for which I weep a little, and I would like to point out that this legislature in the past has done some things to help industry and has required industry to do other things.

In the matter of environmental concern, this legislature and previous legislatures have required industry to do much to conform to the federal laws and regulations, and this is to the good.

Some time ago I conceived the idea that the State of Maine should attempt to do what the federal law has enabled industry to accomplish, and that is to have some tax relief for the amount of expenditures it has put forth toward controlling pollution in our state. That is what L. D. 1656 addresses itself to, providing 7% percent relief on the corporate income tax for the expenditure of pollution control devices which were required either by the federal government or by state government.

The price tag on this is substantial, amounting to somewhere near half a million dollars, and it is my hope that the special session of the legislature would consider this type of document

again, with a reduced rate of perhaps 3½ percent, so that some accommodation can be reached and provide some financial relief for those industries which are making a serious attempt to meet their deadlines for controlling pollution in the air and in the water of our state. It would seem to me that this would be a reasonable solution to a problem of constant increases in expenses to meet environmental laws. I would hope that this legislature would entertain this bill at a special session of this legislature. I would now move the pending question.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Sewall, that the Bill be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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

An Act to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor. (L. D. 864)

Pending — Enactment.

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

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

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

Senate Amendment "B", Filing No. S-303, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table the following:

An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities. (L. D. 264)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

On further motion by the same Senator, the Senate voted to reconsider its prior action whereby the committee report was accepted and the bill given its first and second readings.

Thereupon, on further motion by the same Senator, the Bill was substituted for the Committee Report and referred to the Special Session of the 106th Legislature in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table the following:

An Act Relating to Snow Removal on State Highways in Built-up Sections of Certain Municipalities. (L. D. 842)

On further motion by the same Senator and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to re-

consider its prior action whereby Committee Amendment "A" was Adopted and, on subsequent motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed.

On further motion by the same Senator, the Senate voted to reconsider its prior action whereby the committee report was accepted and the Bill given its first and second readings.

Thereupon, on further motion by the same Senator, the Bill was substituted for the Committee Report and referred to any Special Session of the 106th Legislature in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table the following:

Resolve, to Reimburse Certain Persons for Property Taken by State Department of Transportation in the Town of Bingham. (L. D. 346)

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

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table the following:

An Act Relating to the Registration of Farm Motor Trucks having 2 or 3 Axles. (L. D. 1247)

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

On motion by Mr. Sewall of Penobscot,

recessed pending the sound of the bell.

#### After Recess

Called to order by the President.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table the following:

Joint Order — Relative to Joint Select Committee to study

Municipal Public Employees Labor Relations Laws. (H. P. 1574)

Tabled — June 6, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table the following:

Joint Order — Relative to Special Commission to study subject matter of Bill, "An Act Establishing a Comprehensive Health Insurance Program for the State of Maine." (S. P. 470) (L. D. 1523) — S. P. 658)

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

Pending — Passage.

Thereupon the Joint Order received Passage and, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table the following:

Joint Order — Relative to Legislative Research Committee Study of Excise Tax Structure. (H. P. 878)

Tabled — March 26, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee Study of Personnel Laws. (H. P. 1388)

Tabled — April 9, 1973 by Senator Berry of Cumberland.

Pending — Passage.

(House Amendment "A" (H-163). Joint Order — Relative to Legislative Research Committee Study of Manner and Costs of Processing Claims. (H. P. 1469)

Tabled — May 2, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee Study and Evaluate Maine's Disaster Contingency Plans. (H. P. 1496)

Tabled — May 10, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee

Study of Subject Matter of "An Act to Register and License Dispensing Opticians." (H. P. 1233) (L. D. 1610) — (H. P. 1536)

Tabled — May 25, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee Study of Subject Matter of "An Act Providing for a Consumer Member on All Regulatory Boards and Commissions." (H. P. 1115) (L. D. 1451); "An Act Establishing a Consumers' Council." (S. P. 464) (L. D. 1495); "An Act to Provide that Consumers Shall be Included on Certain Boards." (H. P. 1291) (L. D. 1679) and "An Act to Establish an Insurance Consumers' Advisory Board." (H. P. 1357) (L. D. 1813) — (H. P. 1534)

Tabled—May 25, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee Study the Feasibility of Establishing a Data Processing Center and the subject matter of "An Act Creating the Bureau of Data Processing within the State Planning Office." (H. P. 1339) (L. D. 1754) and "An Act Creating the Bureau of Central Computer Services within the Department of Finance and Administration." (H. P. 154) (L. D. 178) — (H. P. 1535)

Tabled — May 25, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of Subject Matter of Bill, "An Act Creating the Maine Health Maintenance Organization Act." (H. P. 786) (L. D. 1230) — (H. P. 1541)

Tabled — May 29, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of all advisory committees assisting Departments of Mental Health and Corrections and Health and Welfare. (H. P. 1542)

Tabled—May 30, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Bill,

"An Act Creating the Maine Consumer Credit Code (H. P. 1229) (L. D. 1803) and Bill, "An Act to Create a Maine Consumer Code (H. P. 1386) (L. D. 1877) — (H. P. 1551)

Tabled — May 31, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of Marketing and Distributing Oil and Gas in Maine. (H. P. 1569)

Tabled—June 5, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Bill, "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registration." (H. P. 1321) (L. D. 1727) — (H. P. 1576)

Tabled — June 6, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee Study, Review and Evaluate State Budget. (H. P. 1567)

Tabled — June 6, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Studies and Examinations by the Joint Standing Committees on Education, Health and Institutional Services and Transportation. (H. P. 657)

Tabled — June 6, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of costs and benefits of Liquor Business in Maine. (H. P. 1598)

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

Pending — Passage.

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

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

Pending — Passage.

Joint Order — Relative to Committee on Natural Resources study of environmental laws. (H. P. 1608)

Tabled — June 15, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Bill, "An Act Creating the Maine Forest Practices Act." (H. P. 1301) (L. D. 1757) — (H. P. 1619)

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

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Bill, "An Act to Designate the Maine Publicity Bureau as the State's Agent in Certain Matters Pertaining to the Promotion of Vacation and Travel." (H. P. 1377) (L. D. 1833) (H. P. 1626)

Tabled — June 20, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to a Special Commission on Acupuncture. (H. P. 1629)

Tabled — June 21, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of Maine State Retirement System. (H. P. 1387)

Tabled — June 21, 1973 by Senator Berry of Cumberland.

Pending — Passage. (Senate Amendment "A" (S-251))

Joint Order — Legislative Research Committee study of subject matter of Bill, "An Act Relating to Trespass on Certain Land Surrounding Lakes and Other Bodies of Water." (H. P. 459) (L. D. 614) — (H. P. 1634)

Tabled — June 22, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Bill, "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy." (H. P. 1575) (L. D. 2004) (H. P. 1636)

Tabled — June 26, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Resolution Proposing an Amendment to the Constitution to Permit the

Federal Government, By Agreement, to Collect Maine Individual Income Tax. (H. P. 1369) (L. D. 1826) (H. P. 1637)

Tabled — June 26, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of Central Computer Service. (H. P. 1638)

Tabled — June 26, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Special Committee to study prescription drugs. (H. P. 1642)

Tabled—June 26, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Special Commission to study subject matter of Bill, "An Act Reforming the Administration of the Property Tax and Replacing the Tax on Inventories with an Increased Corporate Income Tax." (H. P. 1384) (L. D. 1862) and Bill, "An Act Exempting New Machinery and Equipment used for Manufacturing and Research from Sales and Use Tax and Increasing the Corporate Income Tax Rate." (H. P. 1492) (L. D. 1920) — (S. P. 694)

Tabled — June 27, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Bill, "An Act Reforming the Administration of the Property Tax and Replacing Income Tax." (H. P. 1384) (L. D. 1862) — (S. P. 695)

Tabled—June 27, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of petition process pursuant to Constitution of Maine. (H. P. 1644)

Tabled — June 28, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Committees on Appropriations and Financial Affairs, Education and Taxation to study Bill, "An Act

Equalizing the Financial Support of School Units." (H. P. 1647)

Tabled — June 29, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Education Committee study of the role of students in the policy-making decision process of Educational System. (H. P. 1643)

Tabled — June 29, 1973 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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

Mr. RICHARDSON: Mr. President, because of the speed with which my friend from Cumberland, Senator Berry, took these matters off the table, with which I have no quarrel, I would like to ask whether or not he has moved to indefinitely postpone the amended order requiring the Committee on Veterans and Retirement to study the retirement system and authorizing, I believe, \$20,000 to hire a professional staff to assist in carrying out that review. If that is the case, I would like to know what the intentions are of leadership with respect to funding such a study.

In all deference to leadership, I would suggest that the study is long overdue and that the moneys are in fact necessary to make a meaningful review of this program.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: It is the intent under L. D. 1731 that the Legislative Council will assign the subject matters of most of these bills to the respective committees, and I can assure the Senator from Cumberland, Senator Richardson,

that the substance of the order with which he is concerned would end up with the Veterans Affairs Committee. There is also the money in the legislative account for the payment of expenses for the operation of these various committees.

### Reconsidered Matter

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its prior action whereby it Passed in concurrence Senate Paper 606, as amended by H-372.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

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

Mr. SCHULTEN: Mr. President, would it be out of order to inquire what we just voted on? Frankly, I have no concept.

Thereupon, Mr. Berry of Cumberland was granted unanimous consent to address the Senate.

Mr. BERRY: Mr. President and Members of the Senate: Earlier in the session the Senate passed an order introduced by Senator Richardson, which gave very specific duties to the Appropriations Committee. Subsequently, there was an order which came from the House which countermanded that order. This was tabled and has just been killed, the order from the House. The Appropriations Committee has assigned the duties of the Appropriations Committee under L. D. 1731, so any special attention that was needed for the Appropriations Committee is now unnecessary because 1731 has been passed and the Appropriations Committee will function full-time carrying on its responsibilities in connection with the budget and state operations.

Mr. Schulten of Sagadahoc was granted unanimous consent to address the Senate.

Mr. SCHULTEN: Mr. President, I recognize our haste to adjourn, and I am all for it, and I don't want anyone to think I was questioning the actions we were taking. Actually, I feel that the ball is moving so fast here that perhaps I was asleep when these things were brought up, but until the good Senate Majority Leader, Senator Berry, explained actually what had happened, I had no concept, and I feel that to have spent six months here and to go home in a complete fog as to what we have done on the last legislative day is not really what the people in my district sent me up here for, and that was the reason for my question; not criticism.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Legislative Research Table the following:

Joint Order — Relative to Legislative Research Committee study of subject matter of Legislative Document Numbers 87, 107, 119, 147, 181, 243, 482, 574, 671 and 706. (Additional Motor Vehicles Offices.) (S. P. 604)

Tabled — May 1, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Committee on Health and Institutional Services study needs and health care for retarded people of Maine. (S. P. 641)

Tabled — May 29, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee Study of Subject Matter of "An Act to Establish the Maine Telecommunications Commission" (S. P. 440) (L. D. 1505) and "An Act Regulating Community Antennae Television Systems by Public Utilities Commission" (H. P. 227) (L. D. 299) (S. P. 605)

Tabled — May 4, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Bill, "An Act Creating Maine Agricultural Bargaining Board." (H. P. 1511) (L. D. 1941) — (S. P. 640)

Tabled — May 30, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Committee on Legal Affairs study of village corporations. (S. P. 647)

Tabled — May 30, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study feasibility of Maine Turnpike Authority issuing commuter-type tickets. (S. P. 649)

Tabled — June 1, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee to study and evaluate means of financing Legislative Documents, Numbers 211, 639, 1502 and 1744. (S. P. 650)

Tabled — June 1, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Bill, "An Act to Amend the Site Location of Development Act." (H. P. 1375) (L. D. 1831) — (S. P. 655)

Tabled — June 6, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Legislative Documents, 1, 1420, 1770, 1882 and 1879. (No-fault Automobile Insurance.) (S. P. 663)

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

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of bill, "An Act Relating to Salaries of Members of the Industrial Accident Commission" (S. P. 406) (L. D. 1208) and Bill, "An Act Providing for a Workmen's Compensation Insurance Fund" (H. P. 1397) (L. D. 1808) (S. P. 675)

Tabled — June 20, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of the Maine Housing Authority. (S. P. 687)

Tabled — June 21, 1973 by Senator Speers of Kennebec.



Pending — Passage.

Joint Order — Relative to Education Committee study of post-secondary educational services by the University of Maine. (S. P. 688)

Tabled — June 22, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Education Committee to study existing regulations and guidelines relative to local school construction and transportation. (S. P. 689)

Tabled — June 22, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Legislative Documents Numbers 473, 1155, 1156, 1147, 1262, 1416, 1422, 1730, 1749, 1752 and 1840. (S. P. 690)

Tabled — June 25, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of subject matter of Bill, "An Act Relating to the Maine Development Act." (S. P. 536) (L. D. 1756) (S. P. 693)

Tabled — June 26, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study entire spectrum of county government. (S. P. 696)

Tabled — June 28, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of the University of Maine at Portland-Gorham. (S. P. 699)

Tabled — June 28, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Joint Order — Relative to Legislative Research Committee study of operations and procedures employed by Bureau of Alcoholic Beverages. (S. P. 698)

Tabled — June 29, 1973 by Senator Berry of Cumberland.

Pending — Passage.

On further motion by the same Senator, the Joint Orders were Indefinitely Postponed.

The President laid before the Senate the matter tabled earlier

in today's session by Mr. Sewall of Penobscot:

An Act Relating to Valuation of Shares of Joint Owners of Property and to the Disposition of Joint Property on Death of a Joint Owner. (L. D. 1664)

Pending — Motion by Mr. Sewall of Penobscot that the Bill be Indefinitely Postponed.

Thereupon, the Bill was Indefinitely Postponed in non-concurrence and, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the following matter:

An Act Relating to School Buses (L. D. 1936)

Pending — Motion by Mr. Sewall of Penobscot that the Bill be Indefinitely Postponed.

Thereupon, the Bill was Indefinitely Postponed in non-concurrence and, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to Costs of Administration of Food Stamp Program. (L. D. 207)

An Act to Provide Funds for the Development of an Airport in the Rumford-Mexico Area. (L. D. 611)

An Act Establishing a State Register of Natural Areas. (L. D. 1493)

An Act Providing Funds for Shoreland Zoning Assistance to Municipalities through Regional Planning Commissions. (L. D. 1635)

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to Committees on Status of Women, Children and Youth, and the Aged. (L. D. 521)

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

An Act to Provide a Subsidy to Communities with Private School Enrollments. (L. D. 2047)

Mr. Berry of Cumberland then requested a roll call on Enactment of the Bill.

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

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, could I ask through the Chair of any member of the Appropriations Committee the amount of money on this particular bill and the fund from which it is to be funded?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to any member of the Appropriations Committee who may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL: Mr. President, it is my understanding that the funds called for in this legislative document amount to \$300,000, and these moneys would come from surplus.

The PRESIDENT: The pending question before the Senate is the enactment of Bill, An Act to Provide a Subsidy to Communities with Private School Enrollments. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

## ROLL CALL

YEAS: Senators Aldrich, Brennan, Cianchette, Clifford, Connley, Cox, Cummings, Cyr, Danton, Fortier, Graffam, Huber, Joly, Marcotte, Minkowsky, Morrell, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, Wyman, MacLeod.

NAYS: Senators Anderson, Berry.

ABSENT: Senators Greeley, Hichens, Katz, Kelley, Olfene.

A roll call was had. 26 Senators having voted in the affirmative, and two Senators having voted in the negative, with five Senators being absent, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. CLIFFORD: Mr. President, I move reconsideration, and hope you will vote against my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, now moves that the Senate reconsider its action whereby this bill was 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.

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

An Act Requiring that the National School Lunch Program be Implemented in All Public Schools. (L. D. 1392)

Pending — Consideration.

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

On motion by Mr. Sewall of Penobscot, recessed pending the sound of the bell.

## After Recess

Called to order by the President.

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

#### **Committee Reports**

##### **Senate**

##### **Ought to Pass**

Mr. Sewall for Committee on Appropriations and Financial Affairs on,

Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1974 and June 30, 1975."

Reports pursuant to Joint Order (S. P. 692) that the same Ought to Pass.

Which report was Read and Accepted and the Bill Read Once. Under suspension of the rules, the Bill was then given its Second Reading and Passed to be Engrossed.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, recessed pending the sound of the bell.

##### **After Recess**

Called to order by the President.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

Resolve, Appropriating Funds to the Bath-Brunswick Mental Health Association to Purchase a Facility for a Federally Funded Expanded Program. (L. D. 253)

This being an emergency matter and having received the affirmative votes of 27 members of the Senate was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following:

Resolve, Providing for a Feasibility Study of Marine Resources Development in Washington County. (L. D. 711)

On further motion by the same Senator, Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

##### **Papers from the House**

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

##### **Enactors**

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

An Act Reforming the Administration of the Property Tax and Replacing the Tax on Inventories with an Increased Corporate Income Tax. (H. P. 1384) (L. D. 1862)

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

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

Bill, An Act Exempting New Machinery and Equipment used for Manufacturing and Research from Sales and Use Tax and Increasing the Corporate Income Tax Rate (H. P. 1492) (L. D. 1920)

Tabled — May 31, 1973 by Senator Berry 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.

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

Bill, An Act Revising the Rate Tables of Tax Imposed on the Income of Individuals (H. P. 835) (L. D. 1105)

Tabled — July 2, 1973 by Senator Berry of Cumberland.

The same Senator then moved that the Bill and Accompanying Papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: This bill provides for a significant increase

in the personal income tax. I think that any consideration of an increase in the personal income tax must be deferred, pending a re-evaluation of our financial situation perhaps at the next special session. Hopefully, if the estimates are matched with performance, we will not be too badly off.

We have by our previous action significantly increased the corporate income tax. Much of this tax is going to be passed on to individuals in the form of increased expenses, purchases, and operations of businesses within the state. I am sure we are mature enough thinking individuals in the Senate to realize that any income tax has to be paid eventually by the individuals in the state. Consequently, it seems advisable not to close for future action by this or subsequent legislatures any avenue of increased revenue, and either this legislature at the special session or the 107th is going to have to make a painful decision on a personal income tax increase. So I hope you will join with me in the indefinite postponement of this bill.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I would rise in opposition to that motion. The way I look upon this bill is as a bill to fund the homestead exemption. The homestead exemption would be something that would do something not only for the low income people and the elderly people but also for the middle income people. Everybody would get some sort of a tax break.

Now, as far as this tax increase itself is concerned, it would affect one per cent of the people who file income tax returns in this state, so it is just going to hit, as I understand it, those who have a reportable income in excess of \$35,000. Frankly, even where the rates go up substantially, the following year those people would get a deduction from their federal income tax. So, in effect, what we would be doing is something to relieve the burden of the local property

taxpayer, and most of it will be footed by the federal income tax.

I think we have done something for business here when we passed this inventory tax. We have done something for a few big paper companies by passing a bill to give an exemption on machinery and that which is used for research. I think it is time we go the full distance and do something for everybody that owns a home in this state. It wouldn't be an awful lot; it would do it to the extent of probably fifty or sixty dollars.

This bill, if we pass it, we then can in good conscience support the homestead bill, which will be coming along in a short time. So I would strongly urge you to vote against the motion to indefinitely postpone, since we again did it for the business people, we ought to try to do something for the average taxpayer in this state. I would ask for a roll call.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I am disappointed that the Senator from Cumberland, Senator Brennan, asked for a roll call because I had wanted to ask for one myself and perhaps reverse the trend which some of you may have noticed during the course of our debates on allegedly sensitive political issues during this session.

As one of those who voted for the personal and corporate income tax in the 104th session of the legislature, I feel that it is important that we not misuse probably the best tax that we have, that we not make a commitment now which we may live to regret at the special session.

I am going to vote against this tax because the bill which it allegedly funds, L.D. 2016, as I read it, is going to cost \$24,530,303 because in its engrossed form the amendments which I had understood were going to be on it are not on it, and I would call your attention to the engrossed copy of L. D. 2016. More importantly, having voted for both the tax increase on personal income and the homestead property tax exemption law, I think that, first of all,

the property tax exemption is a good bill and should receive our support and, secondly, I think we should fund it adequately. But I can't see the justification for doing so in this environment at this point in the session, particularly where we have L. D. 2016 in its present form.

Finally, as to what I understood as mildly derogatory comments about doing something for big business, if the Senator from Cumberland, Senator Brennan, had any reservations about voting for the repeal of the tax on new machinery used in manufacturing, then perhaps he might have favored us by another request for a roll call and a vote against it. That bill is going to do more to provide jobs for Maine working people, and it is going to do more to provide truly business incentives to provide decent employment opportunities for Maine people than practically any other bill that we have put through this session.

Unlike the Senator from Cumberland, Senator Brennan, I have no reservations about having voted for both of these bills, that is, the inventory tax and the sales tax on machinery. I join in the motion to indefinitely postpone the bill in its present form, as I have indicated, and I hope you will tolerate my repetition, which is not in an appropriate form.

Finally, I have decided to vote against this bill and the companion bill, the homestead exemption act, members of the Senate, on the express representation from the members of the leadership that such a bill will be brought before the next special session of this legislature, at which time I intend to vote for it in an amended form, not at its present level, and will be pleased to join the Senator from Cumberland, Senator Brennan, in voting for a tax increase on a roll call vote.

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

Mr. CONLEY: Mr. President, I would pose a question to the Secretary of the Senate as to the amended version of the bill, as to what amendments are on the

bill and what the price tag is on it?

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

Mr. MORRELL: Mr. President and Members of the Senate: I would like to support both Senators Berry and Richardson in their comments. I think now is the time for all of us, having in the last few days done some very productive things regarding taxes and business people, to resist the urge to jump onto a grandstand and trying to make that kind of a play that is associated with that kind of an establishment. I think it would be most appropriate and most responsible to make every intention, to declare every intention, to deal with this in a proper manner, if the situation so warrants, in a special session. So I concur very heartily with the motion to indefinitely postpone.

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

Mr. BRENNAN: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Morrell, if he so desires, may characterize this as a grandstand play. If he thinks it is a grandstand play to increase the income tax slightly of somebody who makes an income in excess of \$35,000, particularly where he gets a break the following year with his federal income tax, so the realistic increase isn't all that great, he may characterize it as a grandstand play. I characterize it as doing something about real tax reform. What it would do is give everybody in this state that owns a piece of property some sort of break. I think most people who have studied taxes will agree that property is not an adequate criteria to determine whether or not someone should pay taxes. It is a situation again of trying to instill further in our system of taxation in this state the ability to pay principle.

Now, in regard to the bills that were passed yesterday and the one passed today, I said yesterday on the floor of the Senate I did not think an inventory tax made much sense. I think it made far

more sense to tax businesses out of profits, and that is what we supported yesterday. The reservation I have, and I think many others have expressed it in this body, is whether or not these things are adequately funded. But this, getting back to the homestead, and getting away from the rhetoric, as we are wrapping this session up — and that is what I characterize some of the previous arguments as here, merely rhetoric — this is a chance by using an ability to pay income tax to help the average property owner in this state, and that is just what it is. Again, I would strongly urge you to vote against the motion to indefinitely postpone.

Mr. President, may I pose an inquiry: Is there a House amendment on this bill?

The PRESIDENT: The Chair would answer in the negative.

Mr. BRENNAN: Mr. President, is there an indication on the bill that a house amendment had been killed at one time?

The PRESIDENT: The Chair could answer in the negative, there is no amendment on the bill whatsoever.

Mr. BRENNAN: Thank you, Mr. President. I think the problem in regard to this situation is that there is no amendment on the tax bill. The amendment exists on the bill dealing with the homestead tax exemption. The initial bill called for \$5,000, and the amendment reduced it to \$2,000. The original bill called for \$28 million as the cost, and it was recomputed to be \$24 million. When the reduction took place from \$5,000 to \$2,000, it was recomputed to be a cost of \$10 million. So for the benefit of my very good friend from Cumberland, Senator Richardson, the cost now, as I understand it, is \$10 million, and this would fund it, at least a good part of it.

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

Mr. CIANCHETTE: Mr. President, I rise to support Senator Brennan from Cumberland in the defeat of this motion. Much has been accomplished this session in the way of tax reform, and I

would just like to reiterate what I said the other day when we debated this briefly, and that is that we have done something for business, quite a lot for business, and I think now it is time, and we have the tools before us, to do something for the majority of Maine people who, after all, are taxpayers.

I really don't blame some of the members of the other party in not wanting to see this bill passed. I don't know much about it and I wouldn't want to make any accusations, but I understand from rumors that perhaps this bill would affect many of the supporters of the other party, and for that reason they may not want to support this bill. But I don't think we have to worry about that, and I think we ought to complete our tax package this year, defeat this motion, and go on to pass this very delightful tax relief package.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I think more crimes are committed under the banner of partisan politics than probably any other banner I can think of, and it always amuses me to hear those who come late to the cause give us the pretty little lectures about having the courage to do something for the people. I hate to constantly refer to the 104th but, still bearing the limp and the scars of the income tax fight, I can assure my good friend, Senator Cianchette from Somerset, that the members of the Majority Party, the majority of them in the House, voted for the income tax, had the courage to carry that program forward, and it was as a result of a bipartisan effort, that is, effort by members of both parties, my good friend, that Maine has the income tax; not because of a lot of tiresome political claptrap in this chamber or in the other chamber.

If my figures are incorrect on the present status of this legislation, then I would apologize. I am referring to memoranda and basing it on my discussion with the legislative finance officer as to the present status of this legis-

lation. My concern is that if you passed all this legislation you are using up in this tax what I think is a very, very viable area to raise money; and I am all for this tax. I think it is fine, and will join with all of you in gracefully paying it in full when it becomes law. But I don't think that now is the time to use up this avenue for expansion of our present tax system on the basis of this home-  
stead exemption bill, and I shall vote against this bill only because I have been assured that we will take it up in the special session.

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

Mr. CONLEY: Mr. President and Members of the Senate: I always enjoy listening to my seat-mate, the great leader for progressive tax reform, particularly as he explains how hard he fought for the income tax legislation back in the 104th, and he did do a very fine job. And I always like to remind this body here, particularly those who weren't here then, that in those years there were 18 Republicans, the Majority Party, and 14 Democrats, and it took 14 Democrats, 6 novenas, and 8 Republicans to pass the income tax in this hall here. So it is not a question as to what party or who was supporting the income tax.

Now, there is certainly plenty of logic in everything that the Minority Floor Leader is saying here today; both bills are going to supplement one another. There is not going to be any problem. All we have to do is pass both bills. And it seems strange to me that the Majority Floor Leader would take the bill with the tax on it off the table first to kill, because obviously then the other bill will die. But if we are going to be doing something for the elderly and for people who do have the most problems with paying taxes, then these certainly are the two bills that we should be concerned about.

I can remember for the last two weeks we have seen the hallways just crowded with people from business all over the state, from the paper mills, from Maine Municipal, the merchants, and everything, and they have been walking

around, in and out of all the offices trying to put together some sort of a tax reform that would help them. And everybody is in harmony and unity, and there is no problem.

I think if we pass these two bills today, we are finally taking a look at the little guy who the taxes are passed on to, the consumer, and are giving him the break. As Senator Brennan from Cumberland says, you are not really giving him much of a break when you are giving him about \$54, so I would urge the passage of both bills.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, An Act Revising the Rate Tables of Tax Imposed on the Income of Individuals, be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, An Act Revising the Rate Tables of Tax Imposed on the Income of Individuals, 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 Berry, Clifford, Cox, Cummings, Fortier, Graffam, Huber, Joly, Katz, Marcotte, Morrill, Peabody, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, Wyman, MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Conley, Danton, Minkowsky.

ABSENT: Senators Anderson, Cyr, Greeley, Hichens, Kelley, Olfene.

A roll call was had. 21 Senators having voted in the affirmative, and six Senators having voted in the negative, with six Senators

being absent, the Bill was Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the following unsigned matter:

An Act to Provide a Maine Homestead Property Tax Exemption Law. (L. D. 2016)

On further motion by the same Senator, the Senate voted to Recede from its action whereby the Bill was Passed to be Engrossed.

The same Senator then moved that the Bill and Accompanying Papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: I was just sitting in my seat in the same sort of mental torpor I used to be when I was waiting for a streetcar when the good Senator from Cumberland, Senator Brennan, carried away by some flights of rhetoric that we have been listening to, accused me of some chicanery in the question of the order in which bills are presented here.

I grew up in some sort of a school — I don't know what it was — but one of the schools was that you have to have the money in your pocket before you bought something. This may be entirely foreign to some people's way of doing business, but it seemed quite in order that we either passed or killed the previous bill before we passed the bill that called for spending the money. If there is anything illogical to that, Mr. President, I would like to have Senator Brennan explain it to me.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I am sure my very good friend, the dear Senator from Cumberland, Senator Berry, was not listening when I was speaking. The remarks he refers to me as making were made by the very distinguished senior Senator from Portland, Senator Conley. So if there is any respon-

sibility for that, I am sure Senator Conley will have to bear that.

I would agree with you, and I really commend you for the order in which you took them. I do not commend you for your vote, but I think the order did make some sense.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be indefinitely postponed?

Thereupon, the Bill was Indefinitely Postponed in non-concurrence and, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot,  
recessed until 8:45 this evening.

#### After Recess

Called to order by the President.

#### Papers from the House

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

#### Joint Order

WHEREAS, the House of Representatives was last apportioned in January 1964, private and special laws of 1963, chapter 233, effective January 17, 1964, and the Legislature must, under the present provisions of the Constitution of Maine, Article IV, Part 1, section 2, complete its reapportionment before January 16, 1974; and

WHEREAS, the Justices of the Supreme Judicial Court of Maine have rendered an opinion that "a constitutionally permissible reapportionment of the House of Representatives is unattainable as a practical matter in the foreseeable future so long as "the method of reapportionment as it relates to keeping representative districts within counties and whole municipalities as prescribed by Article IV, Part First, Sections 2 and 3 of the Constitution of Maine remains in effect"; now therefore, be it

ORDERED, the Senate concurring, that there is created a House Apportionment Commission to consist of 3 members of the House appointed by the Speaker: 3 members of the House appointed by the Minority Floor Leader of the House; one member of the Senate



appointed by the President of the Senate; one member of the Senate appointed by the Minority Floor Leader of the Senate; and 3 members from the public generally, 2 of whom shall be selected by the political parties, one each by the 4 members of the commission representing the same political party, and the 3rd of whom shall be selected by the other 2 public members; and be it further

ORDERED, that the Speaker of the House shall be responsible for organizing the commission and be chairman pro tem thereof only until a permanent chairman is selected by the commission from within its membership; and be it further

ORDERED, that the commission shall meet as often as necessary at such times and places as the chairman shall direct and any 6 members shall constitute a quorum; and be it further

ORDERED, that the commission may hire such staff members and Consultants within the limits of its appropriation, as it may deem necessary to accomplish its duties; and be it further

ORDERED, that the members of the commission shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their duties; and be it further.

ORDERED, that the commission shall submit to the Clerk of the House prior to December 1, 1973, a plan and proposal for apportioning the Maine House of Representatives consistent with the Fourteenth Amendment of the United States Constitution and relevant decisions of the United States Supreme Court; and be it further

ORDERED, that the commission shall continue in existence until the Legislature has enacted into law an apportionment of the House of Representatives; and be it further

ORDERED, that there is appropriated from the Legislative Account to the commission the sum of \$6,000 to carry out the purposes of this Order and that such sum shall not lapse but shall remain a continuing carrying account until the purposes of this Order have been accomplished. (H. P. 1654)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

## Committee Reports

### House

#### Divided Report

The Majority of the Committee on Constitutional State Reapportionment on,

Resolution, Proposing an Amendment to the Constitution Relative to Apportionment of the House of Representatives. (H. P. 606) (L. D. 804)

Reports that the same Ought to Pass.

Signed:

Senators:

SHUTE of Franklin

MORRELL

of Cumberland

Representatives:

BIRT of E. Millinocket

FERRIS of Waterville

HAMBLÉN of Gorham

McKERNAN of Bangor

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

Signed:

Senator:

KELLEY of Aroostook

Representatives:

McTEAGUE of Brunswick

KELLEHER of Bangor

COTE of Lewiston

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

Which reports were Read and the Bill and accompanying papers Indefinitely Postponed in concurrence.

## Enactors

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

An Act Creating the Office of State Fire Marshal (H. P. 1483) (L. D. 1910)

An Act Relating to Protective Services for Incapacitated Adults. (S. P. 152) (L. D. 386)

An Act to Coordinate and Effectively Utilize Resources Available to Maine's Elderly. (H. P. 1228) (L. D. 1618)

Which 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 to Correct Errors and Inconsistencies in the Public Laws. (S. P. 678) (L. D. 2044)

This being an emergency measure and having received the affirmative vote of 26 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

### **Papers from the House Joint Order**

WHEREAS, Governor Kenneth M. Curtis advised Members of the 106th Legislature on the 2nd day of July 1973 that he was returning, without his signature, House Paper 1613, Legislative Document 2030, "An Act Revising the Reorganization of the Department of Manpower Affairs"; and

WHEREAS, on the same date, the Members of the 106th Legislature failed to override the Governor's veto; and

WHEREAS, the Governor's action places the Department of Manpower Affairs in the position of operating under existing law; and

WHEREAS, on May 2, 1973, the office of the Attorney General issued an opinion stating that it was the responsibility of the Employment Security Commission, as a body, to administer the Employment Security Law; and

WHEREAS, opinions of the Attorney General have the force and effect of law until the Legislature enacts changes and now that the Legislature has acted, the Governor has exercised his power of veto; and

WHEREAS, under chapter 620 of the public laws of 1971, the Commissioner of the Department of Manpower Affairs is also the Chairman of the Employment Security Commission so that one is contingent upon the other; and

WHEREAS, the legal difficulties concerning the Commissioner have caused great concern to the Members of the Legislature and the people of the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that His Excellency, the Governor of the State of Maine is hereby respectfully requested to take such actions as are necessary and appropriate in concert with the Employment Security Commission, to properly provide for the operation and administration of the Employment Security Commission in accordance with the Attorney General's opinion of May 2, 1973. (H. P. 1655)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I was just looking at the fourth paragraph where it says "WHEREAS, opinions of the Attorney General have the force and effect of law until the Legislature enacts changes and now that the Legislature has acted, the Governor has exercised his power of veto;" I can't accept that as a lawyer. I don't think that is the state of the law. I don't think this order makes any sense, and I move its indefinite postponement.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, now moves that Joint Order, House Paper 1655, be indefinitely postponed in non-concurrence.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I think those of us who have been around here for the past six months realize that all has not been green in the garden down in the employment security area. A lot of effort has gone into working out a compromise. The Executive Council has studied the problem seriously, and many of the members of leadership of both parties have attempted to work out a solution. It was our hope when we passed this bill that we had arrived at the solution. I think that the tenor of this joint order is extremely restrained, considering that the welfare of the people of the State of Maine is at stake. I hope that the Senate would join

with the House in the passage of this joint order.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that joint order, House Paper 1655, be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Brennan, that this joint order be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 11 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Joint Order received Passage in concurrence.

#### Enactors

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

An Act to Create the Maine Guarantee Authority and to Amend the Maine Industrial Building Authority and Maine Recreational Authority Statutes. (S. P. 667) (L. D. 2033)

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

Mr. SEWALL: Mr. President and Members of the Senate: I know the hour is late, but I feel I would be remiss if I didn't call the Senate's attention to L. D. 2033, An Act to Create the Maine Guarantee Authority and to Amend the Maine Industrial Building Authority and Maine Recreational Authority Statutes.

This bill is a result of about three or four years of hard work on the part of many members of the legislature, the State Government Committee, and a Special Interim Committee formed to investigate the facts surrounding the Maine Sugar Industry. This brings all the agencies of state government which have to do with state guarantees under one umbrella, if you would. I think this is a good piece of legislation and, hopefully, we will not again see the result

of lending and guaranteeing actions which happened in the case of the industry in Easton. Therefore, Mr. President, I move the pending question.

The PRESIDENT: Is the Senate ready for the question?

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

An Act Providing Funds for Psychiatric Aides at Pineland Hospital and Training Center. (H. P. 956) (L. D. 1266)

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

#### Emergencies

An Act Appropriating Funds to Department of the Attorney General to Print Reports of Two Attorneys General. (S. P. 335) (L. D. 1034)

An Act Appropriating Funds for Medical Care Development, Incorporated. (S. P. 468) (L. D. 1496)

An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Penobscot River. (S. P. 130) (L. D. 307)

These being emergency measures and having received the affirmative votes of 26 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.

#### 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 to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor." (H. P. 648) (L. D. 864)

In the Senate July 3, 1973, Passed to be Engrossed as Amended by

Senate Amendment "B" (S-303), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" as Amended by House Amendment "A" Thereto (H-618), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Under suspension of the rules, sent forthwith to the Engrossing Department.

On motion by Mr. Sewall of Penobscot,  
recessed pending the sound of the bell.

#### After Recess

Called to order by the President.

#### 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 Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (S. P. 703) (L. D. 2048)

In the Senate July 3, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-620), in non-concurrence.

Thereupon, the Senate Voted to Recede and Concur.

On motion by Mr. Sewall of Penobscot,  
recessed pending the sound of the bell.

#### After Recess

Called to order by the President.

#### Enactors

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

#### Emergencies

An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1974 and June 30, 1975. (S. P. 703) (L. D. 2048)

An Act to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings, and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor. (H. P. 648) (L. D. 864)

An Act to Amend the Elderly Householders Tax Relief Act. (H. P. 1265) (L. D. 1641)

These being emergency measures and having received the affirmative votes of 26 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.

An Act Establishing a State Tuition Equalization Fund for Maine Students Attending Private Institutions of Higher Education. (H. P. 927) (L. D. 1225)

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

A message was received from the House of Representatives through Mr. Simpson, the Majority Floor Leader in the House, that the House had transacted all business before it and was ready to adjourn without day.

#### Order

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed Mr. Berry of Cumberland to deliver the message.

Subsequently Mr. Berry returned and reported that he had delivered the message with which he was charged.

#### Order

On motion by Mr. Graffam of Cumberland,

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the

Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication that he may be pleased to make. (S. P. 702)

Which was Read and Passed.

The President appointed a Senate members of such committee Senator Wyman of Washington, Senator Anderson of Hancock, and Senator Fortier of Oxford.

Sent forthwith to the House for concurrence.

Subsequently the committee returned and reported that the committee had attended to the duties assigned to it and the Governor was pleased to say that he would attend the session forthwith.

At this time His Excellency, Governor Kenneth M. Curtis, entered the Senate Chambers and addressed the Senate as follows:

GOVERNOR KENNETH M. CURTIS: Mr. President and Members of the Senate: As we all know, it is a tradition for the Governor to address the Legislature at the beginning and at the end of each session. It is always a privilege for me to participate in this way, but the hour is rather late, in fact, I guess it is now the 4th of July, so I am sure you won't be too disappointed if I don't carry that tradition into a speech tonight.

Let me simply make these observations: Looking back over the session, I am sure we find, as always, bills which we individually applauded and measures whose enactment we opposed. In this crucible of agreement and disagreement, I think a careful analysis will show that an unprecedented number of important new laws were forged during this session. But of overriding importance is the fact that our system prevails to allow the expression of our thought in freely governing ourselves.

It is true each legislative session has its historic moments. History will most certainly record your action in launching the beginnings of public school financing and property tax reform, both real and personal, as one of these moments.

So, in behalf of the people of Maine, I congratulate you for this achievement and for all your other many achievements and thank you for your dedicated service.

The 106th session of the Maine Legislature, of course, has not been concluded. In January, you will meet again to consider funding of programs for the second year of the biennium. Much preparation will be necessary to do this job wisely and well and to complete the work begun in this, your regular session.

So the final chapter in the history of the 106th Legislature will not be written until January 1974. I look forward to working with you toward the fulfillment of the ideal of giving the 106th Legislature a special niche in Maine History. So until January, I thank you for your cooperation, your service and wish you and your families a pleasant summer. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: First, I would like to say to this honorable body that 197 years ago the Declaration of Independence was signed. You know I have always hated to say good-bye and it makes me feel for the clergyman who was given his first assignment to console a convict who was doomed to the electric chair. As the critical hour approached he wondered what his closing words would be. Good-bye he felt had a ring of finality to it, and see you later was a little frivolous. So as the guards came to lead the convict down the last long mile to the electric chair he said, "Well son, more power to you". I am very much disappointed that the good Senator from Aroostook County, Senator Kelley, isn't here to hear that; he probably would get quite a charge out of it, and he also probably would read into the story a power shortage.

Well, seriously, I want to thank my colleagues for the many courtesies and kindness they have shown me in this session. I am sure that they all join with me

in saying thanks for the very efficient Senate staff who have so ably administered to our wants during this last six months. I am not going to say good-bye because we will all be together again this winter, so I will simply say God bless and keep every one of you until we meet again. Mr.

President, I now move we adjourn sine die.

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Therefore, at 12:20 a.m. on Wednesday, July 4, 1973, the Honorable Kenneth P. MacLeod, President of the Senate, declared the Senate of the 106th Legislature adjourned without day.