

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

Kennebec Journal
Augusta, Maine

SENATE

Thursday, March 7, 1974

Senate called to order by the President.

Prayer by Father Richard P. Rice of Augusta:

In the name of the Father and of the Son and of the Holy Spirit. Amen. God our Father, giver of our lives and from whom all good things come, you have given us eyes to see and you see all that we do. You have given us tongues to speak the truth, You have given us ears to hear the truth, and you in turn hear what we say and do. Help us with your wisdom and your strength and your joy to seek to serve you in serving each other, that we may be worthy of our human dignity. We ask for your courage and strength and joy in making your mission ours as we journey as one family to our everlasting life beyond this passing world. We ask all this through Jesus Christ, your divine Son and our Lord and Brother. Amen. In the name of the Father and of the Son and of the Holy Spirit. Amen.

Reading of the Journal of yesterday.

Papers From the House
Joint Order

Ordered, the Senate concurring, that the Joint Standing Committee on Marine Resources be directed to report out a bill to provide for a Maine residency statute for fishing lobster due to the probable loss of the existing statute which is pending the outcome of a Constitutional challenge in the federal courts. (H. P. 2008)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Huber of Knox, tabled and Tomorrow Assigned, pending Passage.

Committee Reports
House
Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Clarify the Itinerant Vendor Law." (H. P. 1760) (L. D. 2228)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Leave to Withdraw, Covered
by Other Legislation

The Committee on State Government on, Bill, "An Act to Clarify the Industrialized Housing Act." (H. P. 1803) (L. D. 2283)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass—As Amended

The Committee on Transportation on, Bill, "An Act to Correct Errors and Inconsistencies in the Motor Vehicle Laws." (H. P. 1788) (L. D. 2260)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-727)

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

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Transfer Certain Unexpended Dedicated Funds at End of Fiscal Year." (H. P. 1895) (L. D. 2406)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-726).

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-732).

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

Thereupon, on motion by Mr. Sewall of Penobscot, tabled and Tomorrow Assigned, pending Adoption of House Amendment "A".

Ought to Pass in New Draft

The Committee on Transportation on, Resolve, Appropriating Funds for the Replacement of Babb's Covered Bridge in Windham and Gorham. (H. P. 1727) (L. D. 2171)

Reported that the same Ought to Pass in New Draft under New Title: Resolve, Providing for the Replacement of Babb's Covered Bridge in Windham and Gorham. (H. P. 2004) (L. D. 2548).

Comes from the House, the Resolve in New Draft Passed to be Engrossed as Amended by House Amendment "B" (H-733).

Which report was Read and Accepted in concurrence and the Resolve in New Draft Read Once. House Amendment "A" was Read and Adopted in concurrence and the Resolve, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Resolve, Authorizing Robert A. Dentico to Bring Action Against the State of Maine. (H. P. 1921) (L. D. 2456)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland

Representatives:

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

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

Signed:

Representatives:

BAKER of Orrington
PERKINS of So. Portland
CARRIER of Westbrook
WHITE of Guilford
GAUTHIER of Sanford

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

Which reports were Read and the Majority Ought to Pass Report of the Committee Accepted in concurrence.

Thereupon, the Resolve was Read

Once and Tomorrow Assigned for Second Reading.

Divided Report

Six members of the Committee on Liquor Control on, Bill, "An Act Relating to the Sale of Spirituous and Vinous Liquor at Post-secondary Schools." (H. P. 1785) (L. D. 2257)

Reported in Report "A" that the same Ought to Pass in New Draft under Same Title (H. P. 2012) (L. D. 2552)

Signed:

Senator:

OLFENE of Androscoggin

Representatives:

KELLEHER of Bangor
FAUCHER of Solon
RICKER of Waterville
GENEST of Waterville
STILLINGS of Berwick

Six members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senator:

FORTIER of Oxford

Representatives:

FARNHAM of Hampden
CHICK of Sanford
TANGUAY of Lewiston
IMMONEN of West Paris
CRESSEY of North Berwick

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

Which reports were Read.

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

Mr. OLFENE: Mr. President and Members of the Senate: Let me explain this very briefly to you as to what has transpired that caused and created this bill to come about.

During the regular session of the legislature you gave and passed the permission for post-secondary schools to have alcoholic licenses on the campuses, but what we did not realize at the time was that we had to place into the liquor laws and give permission to the Commission down here a licensing arrangement. We did not have the proper licensing arrangement in the liquor laws to take care of some

post-secondary schools and, to be exact about it, of course, the University of Maine being a state owned and operated entity.

What this bill does is nothing more than you agreed to do in the regular session, except this now brings in a new licensing category. Let me just briefly tell you about a couple of examples. Since you passed this previous legislation, there is now in operation a so-called "Pub" on the Husson campus in the Bangor area. This was done all legally. This was done by a person leasing a section of one of the buildings from Husson College and putting this pub in. Remember that it takes the approval of the trustees of the school, and I might say that applications from other schools have been made on the strength of the legislation you have previously passed, and what this bill does is give a licensing category so that they can proceed to have this.

I hope this is just in layman's language of why this bill is here and, on that basis, I would move, sir, that we accept the Ought to Pass Report.

The PRESIDENT: The Senator from Androscoggin, Senator Olfene, now moves that the Senate accept the Ought to Pass in New Draft Report "A" of the Committee.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: It doesn't seem to me that this bill should require any long argument because the facts are too well drawn. The question is: what kind of atmosphere are we going to create in the vicinity of our post-secondary schools? We are not depriving these youngsters of the right to buy liquor. We have already authorized them to do that at 18 years of age. But the question here is: are we going to make part of their curriculum how to bend elbows and mix cocktails? Are we going to convince them that drinking properly is part of knowing how to live and part of a complete education? These are the facts that we are coming down to.

Is our liquor industry so hard up that we have got to subsidize them by establishing these posts in our post-secondary schools? It seems that

we have had enough trouble now with our juvenile delinquents. We are having trouble in our universities. I don't have to explain to you just what kind of trouble; there are all kinds of troubles. And by putting liquor in the hands of the school authorities on the campuses of these schools, we are increasing this danger enormously. Mr. President, I move indefinite postponement of this bill in concurrence.

The PRESIDENT: The Senator from Oxford, Senator Fortier, now moves that the bill be indefinitely postponed in concurrence.

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: Could I inquire of any member of the Liquor Committee whether there was any consideration given to whether or not our present law would be unconstitutional, in view of the fact that private colleges like Colby and Bowdoin are allowed to have so-called "Pubs" and the University of Maine cannot? Has this been brought up at all?

The PRESIDENT: The Senator from Kennebec, Senator Joly, has posed an inquiry through the Chair which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Androscoggin, Senator Olfene.

Mr. OLFENE: Mr. President, I will try to answer Senator Joly in this way: The unconstitutional part I don't think is there. I think this is simply to allow a new licensing area so they can come within that scope to have this license.

One more little point I would like to make, if I might, is don't forget that we in the State of Maine have what we hope is liquor control. We have a control system, law enforcement division, etc., and you know as well as I know that the young children that are in the colleges today, most all of them are 18 or above, are entitled to drinking privileges under the law and they are doing it. They are doing it to a great degree on the campus, I am sure, whether it is the rules of the school or not. They are doing it off the campus. They are traveling maybe some evenings several miles after having numerous beers or whatever they may be having. I happen to be one

who thinks that maybe we need a tighter control, and I think this is a method to help put control in. I am not sure, Senator Joly, that I have answered you correctly, but I hope I have done my best for you. Thank you.

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

Mr. JOLY: Mr. President, I am sorry I didn't make myself clear. What I would like to know is whether it is a fact right now under the present law that I guess we passed last year that Colby and Bowdoin are allowed to have pubs where the University of Maine cannot. And in the same question, if we pass we pass this bill, does it mean that the University of Maine will be able to have pubs like Colby and Bowdoin can, if they can?

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

Mr. OLFENE: Thank you, Senator Joly. I think the answer to both of your questions is yes. Yes, Colby, Bowdoin and so forth can have them presently and, yes, if we pass this bill, the University can have it.

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

Mr. MORRELL: Mr. President, just to set the record straight, in case there is any confusion, there is no licensed pub in Brunswick at Bowdoin.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Oxford, Senator Fortier, that bill, "An Act Relating to the Sale of Spirituous and Vinous Liquor at Post-secondary Schools", be indefinitely postponed.

The Chair will order a division. As many Senators as are in favor that this bill 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. 15 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the Bill was Indefinitely Postponed in concurrence.

The Chair is very pleased to welcome

to the Senate Chamber this morning Ms. Leola Wakefield, who is President of the Maine Conference on Human Services. Ms. Wakefield is here this morning, as I understand it, to say something rather nice to us and perhaps to give us a little present. I would ask the Sergeant-at-Arms to escort Ms. Wakefield to the rostrum.

Thereupon, the Sergeant-at Arms escorted Ms. Wakefield to the rostrum, where she addressed the Senate as follows:

Ms WAKEFIELD: Thank you. For sixty-five years the Maine Conference on Human Services has promoted and encouraged legislation that is beneficial to the people of our state. We feel that no other legislative body has done as much to pioneer efforts on behalf of social services and to produce the results of human services legislation as this 106th group. You have responded to the needs of Maine people by establishing guidelines for the future.

A year ago you became the first legislature in the nation to respond to drastic federal cutbacks by adopting the priority social services bill. Since that time you have adopted numerous documents to improve the life of Maine people, including some of the following: a bill to create a uniform alcoholism and intoxication act, a bill relating to bilingual and bicultural education, to prevent sex discrimination under the Human Rights Act, a bill relating to exceptional children, a bill relating to minimum warranty standards for mobile homes, to require that the national school lunch program be implemented in all public schools, a bill relating to family planning, requiring that all municipalities have written standards and guidelines for welfare programs, several bills for housing, the Equal Rights Amendment, and the inclusion of the physically handicapped in the Human Rights Act. By all of these you have responded to the needs of Maine people.

Today I am pleased to have with me a wood sculpture which is entitled "The Pages of History", and I would show this to you now. This is very special because it was made by Charles Stratton, who is a former resident of the Bangor Mental

Health Institute and is presently a client of Vocational Rehabilitation.

I am very proud of you and I am pleased that I am able to present this to you. This reads as follows:

"The Maine Conference on Human Services honors the 106th Legislature for your thought and work for Maine people through Human Services Legislation. Your leadership, innovation and singular action have exhibited your concern and dedication to improving life for all Maine people."

Thank you. (Applause)

I would like to clap just for you. I don't think it is your turn to clap; It is our turn to clap. (Applause)

Thereupon, the Sergeant-at-Arms escorted Ms. Wakefield from the rostrum to the rear of the chamber, amid the applause of the Senate, the members rising.

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

Mr. BERRY: Mr. President and Members of the Senate: I am sure within the living memory of any member of this body that such an occasion has never taken place. It is very, very rare even amongst our friends that we are told with such understanding language the work we do. I think that this reflects not only on the legislature itself but on the people of the State of Maine, whose conscience and concern has passed the legislation which these people are happy to see.

Senate

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

Bill, "An Act to Eliminate the Position of Assistant Director of the Bureau of Labor and Industry." (S. P. 838) (L. D. 2379)

Leave to Withdraw

Mrs. Cummings for the Committee on Natural Resources on, Bill, "An Act Relating to Bulldozing of St. John River." (S. P. 763) (L. D. 2194)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.
Sent down for concurrence.

Refer to 107th Legislature

Mr. Cox for the Committee on Business Legislation on, Bill, "An Act Relating to the Maine Insurance Advisory Board." (S. P. 871) (L. D. 2436)

Reported that the same be referred to the 107th Legislature.

Mr. Marcotte for the Committee on Business Legislation on, Bill, "An Act to Create a Central Professional and Occupational Licensing Bureau in the Department of Business Regulation." (S. P. 882) (L. D. 2470)

Reported that the same be Referred to the 107th Legislature.

Which reports were Read and Accepted, and the Bills referred to the 107th Legislature.

Sent down for concurrence.

Mr. Tanous for the Committee on Labor on, Bill, "An Act to Eliminate the Advisory Council of the Employment Security Commission." (S. P. 893) (L. D. 2495)

Reported that the same be referred to the 107th Legislature.

Which report was Read.

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

Mr. TANOUS: Mr. President and Members of the Senate: In reference to item 6-12, L. D. 2495, "An Act to Eliminate the Advisory Council of the Employment Security Commission", the reason that this bill was referred to the 107th Legislature is because there are federal funds involved in doing away with the Commission, and it was decided perhaps it ought to be studied. In fact, the recommendation of the Governor was that perhaps this matter ought to be studied to see if the bill could be written up in such a manner that we would not lose the federal funds attached to this particular Commission.

The PRESIDENT: Is it now the pleasure of the Senate to accept the report of this committee whereby this Bill be referred to the 107th Legislature?

Thereupon, the Bill was referred to the 107th Legislature.

Sent down for concurrence.

Ought to Pass

Mr. Huber for the Committee on Labor on, Bill "An Act Relating to Applicability of Workmen's Compensation Law to Employers." (S. P. 802) (L. D. 2296)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass-As Amended

Mr. Richardson for the Committee on Veterans and Retirement on, Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers." (S. P. 787) (L. D. 2267)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-383).

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

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Provide Information to Used Car Purchasers." (S. P. 758) (L. D. 2189)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 928) (L. D. 2560)

Signed:

Senators:

COX of Penobscot
KATZ of Kennebec
MARCOTTE of York

Representatives:

BOUDREAU of Portland
CLARK of Freeport
DESHAIES of Westbrook
TIERNEY of Durham
TRASK of Milo
MADDOX of Vinalhaven

(O'BRIEN of Portland

ABSTAINED)

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

Signed:

Representatives:

DONAGHY of Lubec
HAMBLEN of Gorham
JACKSON of Yarmouth

Which reports were Read.

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

Mr. COX: Mr. President and Members of the Senate: L. D. 2189 was submitted at the request of the Consumer Fraud Division of the Attorney General's office based on a substantial number of complaints, malicious and false information given to used car buyers.

The original legislation, 2189, was far too severe. It was based on national legislation now pending. The Committee on Business Legislation worked on it for about three weeks and the draft in front of you today is the third draft. We now believe we have it to a workable position that any vendor of used cars can live with.

Basically what the bill calls for: if there is a warranty on used cars, they will have to specify the warranty in the contract, and no one can really quarrel with that. The original bill laid out the ground rules for the warranties, and this bill now provides that the buyer and seller will negotiate what the warranties are.

Further, the bill says that if the car is "as is" that the contract will state "as is", and there is wording in the bill on how they will spell that out.

The third item in the bill, and the most important item to me, is whether or not the car was taken from salvage and rebuilt with parts from any other cars, which many of the people testifying showed that they got severely gypped because there were parts that didn't even match the vehicle.

I talked with many of the people in the industry and they say they can work with this legislation, so I move acceptance of the Ought to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Cox, now moves that the Senate accept the Majority Ought to Pass in New Draft Report of the committee. Is this the pleasure of the Senate?

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

Second Readers

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

House

Bill, "An Act Granting Energy Emergency Powers to the Governor." (H. P. 2005) (L. D. 2549)

(On motion by Mr. Berry of Cumberland, tabled pending Passage to be Engrossed.)

Bill, "An Act Relating to Foreign Trade Zones." (H. P. 2003) (L. D. 2547)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed in concurrence.

House-As Amended

Bill, "An Act Relating to Pilots for the Port of Portland." (H. P. 2007) (L. D. 2550)

Which was Read a Second Time.

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

Mr. BERRY: Mr. President and Members of the Senate: I am going to support the motion before the Senate, but I would like to comment upon the remarks made by Senator Cianchette yesterday. You will recall that his last comment was that "when the seas were real rough outside Portland Harbor that the - oh dear, he is not here, well, he can read it - "When the seas were rough outside Portland Harbor that the pilot might not want to get on board a vessel," which, as you will recall, under the law requires compulsory pilotage. This seems a peculiar situation. This would result in the vessel not having a pilot, having the waters very rough and being forced to pay for the pilot.

I understand that this bill has been compromised, and I think that is a pretty good description of what has happened. The practice could be called "feather bedding" in any definition of the word. I would say that the result of the legislation in the present form requiring the Lion's Ferry people to pay one day per month, whether the pilot is on board or not, will see in the next session an attempt to increase this compulsory period to more. I think we are setting a bad precedent. I would hope that we would keep this in mind when future attempts are made to broaden the impact of it.

The PRESIDENT: Is it now the pleasure of the Senate that this bill as amended be passed to be engrossed in concurrence?

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

Senate

Bill, "An Act to Amend the Industrialized Housing Law." (S. P. 927) (L. D. 2558)

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

Sent down for concurrence.

Bill, "An Act Allowing Incorporated Civic Organizations to Apply for a Liquor License for One Event Per Year." (S. P. 923) (L. D. 2555)

Which was Read Second Time.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would like to submit an amendment to this bill. Commissioner Keith Ingraham pointed out that in many of these institutions that are run by well meaning, but not necessarily efficient, men and women that all of the regulations are sometimes not even looked at before it is too late and they will come to him at the last minute asking for permission to get an application through more quickly.

The original bill says that twenty days have to elapse between the time of an application by a charitable institution and a license. He has suggested that perhaps it would save a good deal of grief if this was removed and that the application would be just as required by the Commission. The statement of fact, which I did not word but is excellent, says: "The purpose of this amendment is to eliminate possible inefficiencies where most of these charitable functions are run by amateurs." Thank you.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, offers Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-384, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Enactors

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

An Act Amending the Responsibility of the State Planning Office. (S. P. 856) (L. D. 2425)

An Act to Transfer the Chief Medical Examiner to the Department of the Attorney General. (S. P. 917) (L. D. 2529)

Which 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 Commission on Maine's Future. (H. P. 1984) (L. D. 2528)

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I have checked this L. D. over very carefully since I think it is a very important legislative act, perhaps most important that we will undertake this session from the standpoint of long-term. I do not find that we have an engrossed copy of the bill before us, and there is an error in the L. D. , so I would appreciate it if some member of the Senate would table this bill until the next legislative day in order to get an engrossed copy of the bill before us.

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

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

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

Emergency

An Act Relating to Elections to the House of Representatives. (H. P. 1985) (L. D. 2530)

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

Orders of the Day

The President laid before the Senate

the first tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Taxation — Bill, "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense." (H. P. 1812) (L. D. 2293) Majority Report — Ought to Pass in New Draft Under Same Title (H. P. 1991) (L. D. 2535); Minority Report — Refer to the 107th Legislature.

Tabled — March 6, 1974 by Senator Cox of Penobscot.

Pending — Acceptance of Either Report.

Mr. Cox of Penobscot moved that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. COX: Mr. President and Members of the Senate: At the hearing on this bill a substantial case was made for the need for catastrophic medical expense coverage in the State of Maine. I found, or we found in Taxation, that there were many, many families making a real effort to take care of problems that they had, that they have lost their homes and everything that they own and still were not looking to the state for support.

We further found at the hearing that some of these people, if they would legally desert their families, that the state could help them under the state and federal programs, which I found unbelievable.

The problem with the bill originally submitted is that it had four items. Number one, it provided for catastrophic expense. Number two, it gave the Commissioner of Health and Welfare the right to make his own rules and regulations and I find that total faulty. Number three, it provides for a two cent per pack increase in the cigarette tax, and I have no quarrel whatsoever with that. Number four, it appropriated \$2.8 million to accomplish the goal. During that hearing the Commissioner came to us and said that all he needed was \$800,000 for catastrophic, and he wanted the \$2 million to help the medically indigent, that it would generate another \$4 million.

It was my intention at the executive session to report out two bills: one for a tax increase, and one for an appropriation for catastrophic expense, but we would have had four bills or four reports out of committee, and I felt it would have killed the bill, so I didn't do it, and now I am sorry.

If this survives the first reading today, I hope to offer amendments tomorrow that, number one, will take out the Commissioner's right to make his own rules and regulations. He will probably do whatever he wants anyway. I will remind the Senate that in June of last year we passed a supplemental appropriation of \$500,000 to pay the drug stores in the State of Maine who were twelve and fourteen weeks behind in their payments, and it ended up that they got twenty percent of that \$500,000, so they do do what they like. The rules that are in the bill now I think we can live with if we take out that one sentence. I further propose to cut the appropriation from \$2.8 million to the \$800,000, leave the tax at two cents and let the \$2 million remain and go to L. D.'s or whatever purposes Appropriations find for it. So I would urge passage of this today and I will offer the amendments tomorrow.

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

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

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

Bill, "An Act to Clarify Certain Election Laws." (S. P. 914) (L. D. 2526)

Tabled — March 6, 1974 by Senator Conley of Cumberland.

Pending — Adoption of Senate Amendment "B" (S-380).

The PRESIDENT: The Chair would inform the Senate that the subject matter of Senate Amendment "B" is the same as was in the previously disposed

of legislation. Under Rule 21, no measure containing the same subject matter shall be introduced during the session unless three days notice is given to the house of which the mover is a member. Under that rule, if this bill were retabled for another two days, it would qualify under Rule 21 as three days notice having been given to the house of which the mover is a member. The Senator from Franklin, Senator Shute, is the sponsor of Senate Amendment "B".

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and specially assigned for March 11, 1974, pending Adoption of Senate Amendment "B".

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

Bill, "An Act Establishing the Office of Energy Resources." (S. P. 832) (L. D. 2375)

Tabled — March 6, 1974 by Senator Sewall of Penobscot.

Pending — Adoption of Senate Amendment "B" to Senate Amendment "A" (S-382).

Mr. Berry of Cumberland was then granted leave to withdraw Senate Amendment "B" to Senate Amendment "A".

House Amendment "A" to Senate Amendment "A" was Read and, on motion by Mr. Berry of Cumberland, Indefinitely Postponed in non-concurrence. Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Mrs. Cummings of Penobscot was granted unanimous consent to address the Senate.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I have now come to the conclusion that we can no longer afford the federal government's help. I don't think there is one member of us here who hasn't been guilty of saying "Well, we don't want to get rid of this because it has to do with so many federal funds", and I wish that someone would take the time sometime to look into the

number of state funds that are spent on perhaps unnecessary items just because we are afraid we will lose matching or more than matching federal funds. I think it is a dangerous philosophy and I wish that we would stop it.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,
Adjourned until 9:30 o'clock tomorrow
morning.
