

# 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**

Monday, March 18, 1974

Senate called to order by the President.

Prayer by the Honorable Frank Whitehouse Anderson of Ellsworth:

Our Heavenly Father, today we ask your blessing on our deliberations and pray that they may be in the best interests of the loved ones we represent, full and fruitful. As we draw near the close of this session, we humbly ask that what we have accomplished may be pleasing in your sight. Amen.

Reading of the Journal of yesterday.

**Papers from the House**  
**Non-concurrent Matter**

Bill, "An Act to Increase the Minimum Wage." (H. P. 1801) (L. D. 2321)

In the Senate March 14, 1974, Passed to be Engrossed as Amended by Committee Amendment "B" (H-745), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-744) and House Amendment "A" (H-765), in non-concurrence.

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

**Non-concurrent Matter**

Bill, "An Act Relating to Initial Changes in the Penal System of the State and the Rights and Duties of Convicted Persons." (H. P. 2015) (L. D. 2556)

In the House March 8, 1974, Bill and accompanying papers, Indefinitely Postponed.

In the Senate March 14, 1974, Passed to be Engrossed as Amended by Senate Amendment "A" (S-394), in non-concurrence.

Comes from the House, that Body having Insisted.

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

**Communications**

STATE OF MAINE

One Hundred and Sixth Legislature

Committee on Business Legislation

March 14, 1974

Honorable Kenneth P. MacLeod

President of the Senate

State House

Augusta, Maine 04330

Dear President MacLeod:

The Committee on Business Legislation is pleased to report that it has completed all business placed before it by the 106th Special Session of the Maine Legislature.

Total Bills received in Committee	21
Ought to Pass	4
Ought Not to Pass	2
Ought to Pass in New Draft	6
Divided Reports	4
Leave to Withdraw	1
Referred to the 107th Legislature	4

21

Sincerely,

Signed:

JOHN H. COX

Senate Chairman

Which was Read and Ordered Placed on File.

STATE OF MAINE

Department of

Transportation

State Office Building

Augusta, Maine 04330

March 15, 1974

To the Governor  
and Members of the  
106th Legislature  
of the State of Maine:

Pursuant to Joint Order S. P. 701 of the 106th Legislature, I hereby present the Department of Transportation's Report on the Possibility of Establishing a Monorail Network System in Maine, dated March, 1974.

Respectfully submitted,

Signed:

ROGER L. MALLAR

Commissioner

Maine Department of

Transportation

(S. P. 940)

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

Sent down for concurrence.

### Senate Papers

Mr. Hichens of York presented the following Joint Resolution and moved its adoption:

#### STATE OF MAINE

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

#### IN MEMORIAM

WHEREAS, a man of great stature departed this life on December 12, 1973 in the death of Israel A. Rosen of Saco; and

WHEREAS, Al Rosen, as he preferred to be called, unselfishly served in business, economic and civic affairs of Biddeford-Saco for 44 years; and

WHEREAS, he was well known for his compassion, generosity and unflinching commitment toward the general betterment of Pineland Center; and

WHEREAS, the Memorial Library Building at Pineland Center is destined to carry his name in final tribute to his dedicated service; now, therefore, be it

RESOLVED: That we, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature, now assembled in special legislative session, do hereby commend the life and work of the late Al Rosen and tender our deep sympathy to his wife, family and many friends upon the occasion of their great loss; and be it further

RESOLVED: That suitable copies of this Resolve be prepared and presented to his bereaved family and the Al Rosen Memorial Library in lasting appreciation for that deep sense of service from which his contribution sprang. (S. P. 941)

Which was Read.

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

Mr. HICHENS: Mr. President and Members of the Senate: I hope you have taken time to read this resolution today in memory of this man who perhaps many of you have never heard of. He was one of those humble and devoted servants of our state, in relation especially to the retarded because he had a daughter who was retarded, who gave of his time, his own physical attributes and his material means to

help make easier for these people at Pineland, including his own daughter.

He was the sponsor of many efforts there at Pineland, including the building of a chapel, and contributed in many, many ways to the betterment of conditions at the Pineland facility.

After his death, the Pineland Parents decided that they would like to have the memorial library there at Pineland named in this man's Honor. I presented their request to Dr. Anderson, the Director of the Bureau of Mental Retardation, and received a copy of the letter that he sent to the President of the Pineland Parents, which I would like to have on the record. It says:

"Dear Mrs. Vincent: I am most pleased to approve the naming of the library at Pineland Center as the Al Rosen Memorial Library. The significance of such a memorial is indicative of the efforts of Mr. Rosen in serving not only the retarded but also the citizens of Maine. As past President of Pineland Parents and Friends, and a driving force behind many projects, he gave unselfishly of himself. Although his daughter was a resident of Pineland, his concern was with all residents. His ability to be firm and objective, to evaluate problems and develop meaningful answers, provide a comfort and support for many parents. It is difficult in such a brief letter to eulogize an individual such as Al Rosen. May his great strength serve as a basis for the pursuit of the causes in which he so strongly believed. Sincerely, Albert Anderson, Director of Mental Retardation."

I would concur with Dr. Anderson's remarks and, as a result, have this resolution presented to the Senate.

The PRESIDENT: Is it now the pleasure of the Senate that this resolution be adopted?

The motion prevailed.

Sent down for concurrence.

### Committee Reports Senate

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Extending Bargaining Rights to State Employees." (S. P. 817) (L. D. 2314)

Reported that the same Ought to Pass

as Amended by Committee Amendment  
"A" (S-401).

Signed:

Sensors:

TANOUS of Penobscot  
HUBER of Knox  
KELLEY of Aroostook

Representatives:

CHONKO of Topsham  
FARLEY of Biddeford  
BINNETTE of Old Town  
McHENRY of Madawaska  
HOBBS of Saco  
FLYNN of South Portland  
McNALLY of Ellsworth  
BROWN of Augusta  
ROLLINS of Dixfield

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

Signed:

Representative:

GARSOE of Cumberland

Which reports were Read.

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

### **Second Readers**

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

#### **House**

Bill, "An Act Creating the Office of  
Executive Management and Providing  
For the Reorganizing of Executive Staff  
Functions." (H. P. 2039) (L. D. 2573)

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

Sent down for concurrence.

#### **Enactors**

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

An Act Relating to Applicability of  
Workmen's Compensation Law to  
Employers. (S. P. 802) (L. D. 2296)

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

### **Constitutional Amendment**

RESOLUTION, Proposing an  
Amendment to the Constitution of Maine

to Provide that Equal Protection of the  
Laws shall not be Denied or Abridged on  
Account of Sex. (H. P. 2018) (L. D. 2561)

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

Mr. CLIFFORD: Mr. President, I  
would hope that the Senate would not  
enact this Constitutional Amendment. I  
passed out a copy of an editorial in the  
Portland Press Herald Saturday. I think  
that this really is an attempt by some  
persons who have opposed the Federal  
Equal Rights Amendment to get an  
advisory referendum on the Equal  
Rights concept. I think that that attempt  
failed for a number of reasons, one of  
which is that this is not the same  
amendment on which we are voting  
today. It is an amendment of less radical  
significance, but it would not and could  
not be interpreted as a referendum on  
the Federal Constitutional Amendment.

Secondly, and perhaps more  
importantly, there are very serious  
constitutional problems, apparently a  
state not being able to change its mind  
once ratification occurs. So I think that  
all this is going to do is confuse the issues  
before the people in next November's  
election, and I hope you would withhold  
your vote for enactment. Thank you.

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

Mr. MINKOWSKY: Mr. President and  
Members of the Senate: This has been a  
little perplexing this afternoon since we  
have got many different interpretations.  
I think many of you will recall when this  
first came out of committee under three  
different reports, A, B and C, I made an  
inquiry through the Chair if Report "C"  
would accomplish what the proponents  
had expected. I believe the answer from  
Senator Speers was that it would. I guess  
we placed our trust and confidence in the  
other committee members who really  
had the time to screen, to evaluate, to  
analyze and to disseminate this  
particular amendment.

From the remarks of Senator Clifford,  
I would be inclined to agree with him  
wholeheartedly that really this would  
not accomplish the objective. And the  
people, as I understand, who were  
opponents to the Equal Rights

Amendment, that are proponents of this particular bill here, now claim that this will not serve the purpose that they desire. I think on that particular basis, that they feel they would rather go to a direct initiated referendum which would be far superior than to vote on something that would be meaningless, as this particular document is here, I would vote against this particular document in the enactment stage.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I have consistently supported the adoption of the Equal Rights Amendment to the Federal Constitution, and I am going to vote for the adoption of this amendment. I am just appalled at all these Machiavellian maneuverings that are going on here that it says this but it means that, you know, give them this and maybe they will reject that and take what you wanted them to have all along. It is some kind of a charade we are playing here. The issue is: Shall the Constitution of the State of Maine be amended as provided by this proposal? If you think it is a good amendment, vote for it. If you don't, vote against it.

I do not believe that any referendum, advisory or otherwise, is going to cancel the vote that was taken in this Senate. I don't believe that that is the case, and if people have motives that they are trying to serve here that are not apparent on the face of this document, then I say so be it. I support the concept of equal rights for women, I have all along, and I still do, despite some evidence in my family that perhaps they are getting too equal. But, at any rate, I want to see us decide this issue on the merits and not on what supposed impact or influence this might have on some previous action we have taken.

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

Mr. BERRY: Mr. President, I have carefully reviewed this legislation and I would point out that it is an equal protection bill that, as Senator Richardson said, we are in no way negating the vote that the legislature took before approving the Constitutional

Amendment to the Federal Constitution. This would, if anything, be putting our State Constitution in line with the way I am sure we all think. I think, in view of the importance of this, I would request a roll call.

The PRESIDENT: 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. This is a Constitutional Amendment and in order for its final passage it requires the affirmative vote of two-thirds of those Senators present and voting. The pending question before the Senate is the final passage of this Constitutional Amendment, Item 8-1. A "Yes" vote will be in favor of final passage; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Haskell, Hichens, Katz, Richardson, Sewall, Tanous, MacLeod.

NAYS: Senators Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Henley, Joly, Minkowsky, Morrell, Roberts, Speers.

ABSENT: Senators Huber, Kelley, Marcotte, Olfene, Schulten, Shute, Wyman.

A roll call was had. Nine Senators having voted in the affirmative, and 17 Senators having voted in the negative, with seven Senators being absent, the Resolution failed of Final Passage in non-concurrence.

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

Mr. SPEERS: Mr. President, having voted on the prevailing side, I now move that the Senate reconsider its action whereby the resolution failed of final passage, and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this resolution failed of final passage. 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.

Sent down for concurrence.

### Orders of the Day

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

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 895) (L. D. 2488)

Tabled—March 14, 1974 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

(Senate Amendment "A" (S-371).)

(Senate Amendment "E" (S-398).)

(Senate Amendment "C" (S-386).)

(Senate Amendment "D" (S-391).)

(House Amendment "A" (H-682).)

Mr. Katz of Kennebec then presented Senate Amendment "F" and moved its Adoption.

Senate Amendment "F", Filing No. S-402, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President, I would like to explain to the members of the Senate what I consider to be a significant piece of legislation which affects some of your constituents. And because it is our intention not to hold this bill in the Senate any longer, I think it would be important to get this in the record.

The Senate Amendment before you presently does three things, and the three things it does are as follows: In the first place, it defines what a geographically isolated community is, and we are talking about places like North Haven and Monhegan, for example. The second thing it does is that it realizes that some of these smaller communities like Monhegan, and I think many of you have gotten letters from them, in order to take advantage of special consideration under a provision of Maine law that causes geographically isolated communities to be financially supported in a special way, under this provision of the law they presently have to raise all the money that they can legally raise and then come to the state and ask for some relief. In the case of North Haven, for example, North Haven

actually would have to raise more money than it needs in order to qualify for financial relief, so this says, in effect, you do not have to raise more than you financially need before you can come to the state and get money under geographic isolation. And I think this will cure the problem of some of the communities which have been writing to you.

The one with the broadest implication for communities in the state is found on the second page of the amendment. If you have been getting mail from over-collection communities, the so-called — and I don't say this to start any confrontation — the so-called rich communities, this has an effect that if a community is going to have to raise more money this year because of the implications of L. D. 1994 in order to proceed towards 14 mills — and in this particular case you will notice it says that it steps up by 2½ mills, which is the maximum the law requires — then if they go to what we call local leeway options, if they then have to raise more money up to 2½ mills to pay for the cost of education, they do not have to over-collect on this local leeway money. There were some communities in the state which were hurt in over-collection on the basic part of the law, then they still had to raise money on local leeway, and in order to get \$50 from the state on local leeway they had to raise \$75, \$80, \$95 or \$100. And this amendment says "whoa", if you move up 2½ mills under L. D. 1994, you are not required then to over-collect for the state in the local leeway.

I am sure you will find this reasonably complicated, but I am also sure you will find it a welcome boon to the communities about which you have been expressing concern.

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

The motion prevailed.

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

Senate Amendment "G", Filing No. S-403, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: In recent years we have passed a school construction bond issue and we have authorized the construction of certain institutions based upon the revenues from this bond issue. It was the thinking of some this session that there should be some kind of an additional restriction put on the question of school construction, and this amendment says, in effect, that the state may not sell bonds for school construction, despite the authority that they have been previously given, without the specific authorization of a special act of the legislature. This is one more control that we are putting in the hands of the legislature to control the proliferation of expenditures for school construction in the state.

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

The motion prevailed.

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

Sent down for concurrence.

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

Bill, "An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court." (S. P. 825) (L. D. 2352)

Tabled — March 14, 1974 by Senator Berry of Cumberland.

Pending — Adoption of Senate Amendment "A" (S-399)

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

Sent down for concurrence.

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

Bill, "An Act Establishing the Maine Public Transit Fund Act." (S. P. 938) (L. D. 2576)

Tabled — March 15, 1974 by Senator Richardson of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Pending the

reproduction and distribution of an amendment which I would like to offer. I would appreciate it if some member of the Senate would table this matter until later in today's session.

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

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled until later in today's session, pending Passage to be Engrossed.

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

Bill, "An Act Offering Alternative Arrangements for Funding of Students Living on Federal Establishments." (H. P. 2040) (L. D. 2574)

Tabled — March 13, 1974 by Senator Katz of Kennebec.

Pending — Enactment.

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.

#### (Off Record Remarks)

Under suspension of the rules, there being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

#### Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing for Maine Motor Vehicle Insurance Reform", (H. P. 1963) (L. D. 2504), the President appointed the following Conferees on the part of the Senate:

Senators:

HENLEY of Oxford

HICHENS of York

JOLY of Kennebec

#### Reconsidered Matter

Mr. Hichens of York then moved that the Senate reconsider its action whereby

Joint Order — Relative to Legislative Council study feasibility of utilizing Women's Correctional Center at Skowhegan for purposes other than corrections. (S. P. 936), was Passed.



The PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate reconsider its action whereby Joint Order, S. P. 936, was Passed.

The Senator has the floor.

MR. HICHENS: Mr. President and Members of the Senate: This order that was passed last Friday directed a study of a facility that has not been officially closed and I feel it is out of order, in my estimation.

The facility at Skowhegan still exists as the Women's Correctional Center, even though unfunded. As mentioned last week, I have asked for an opinion from the Attorney General's Office and have not received a reply as yet. I would read that letter that I have sent to the Attorney General and let you decide as to the validity of my request.

"Dear Mr. Lund: I hereby wish to request an opinion concerning the Women's Correctional Center in Skowhegan.

"The first paragraph of Section 851 of Title 34 of the Revised Statutes reads as follows:

"The Women's Correctional Center, formerly called the Reformatory for Women, located at Skowhegan, Maine shall be maintained for the confinement and rehabilitation of:

"Paragraphs 1-A, 2, 3, and 4 of Section 851 then go on to spell out the various circumstances under which females are to be confined to the Women's Correctional Center.

"Subsection 1 of Section 851-A of Title 34 of the Revised Statutes reads as follows:

"'1. Center — "Center" as used in this chapter shall mean the Women's Correctional Center located at Skowhegan, Maine.'

"The first sentence of the last paragraph of Section 859 of Title 34 of the Revised Statutes reads as follows:

"'The superintendent shall certify the fact of each instance of escape or attempted escape to the county attorney for Somerset County who shall prosecute such inmate or prisoner therefor.'

"Based on the above statutes and the other laws governing the Women's Correctional Center in general, it would appear to me that the law clearly indicates that a Women's Correctional

Center shall be maintained in Skowhegan, Maine.

"However, as of today, the current Special Session of this legislature has failed to appropriate for the next fiscal year any money whatsoever for the Women's Correctional Center in Skowhegan. On the other hand the legislature has either killed or deleted those parts of any bills that would have authorized moving the Women's Correctional Center from Skowhegan.

"My question is therefore:

"Precisely just what will the legal ramifications be if this legislative session adjourns and takes no further action except for the deletion of funds?

"Several possibilities have arisen in my mind as to what might transpire if we allow the current situation to stand as is:

"1. All of the inmates at the Center being turned loose upon society after someone brings a court action and proves that the State has failed to properly provide for the inmates.

"2. All of the employees being thrown out of work.

"3. The legislature being called back into a second Special Session to correct this matter.

"4. The Bureau of Mental Health and Corrections housing these women at Stevens School through the use of money allocated for other purposes and thereby creating all kinds of legal problems.

"Your immediate attention to this matter is imperative due to the near adjournment of the Special Session. Respectfully yours,"

I received a letter from the Attorney General's office today and it said that he hoped to get a reply on my desk by Wednesday.

The Senator from Cumberland, Senator Morrell, stated the other day that there would be an exorbitant cost in transferring the residents from Stevens to Skowhegan. This I do not agree with, but do realize that the cost is greater than it should be due to the clever manipulations of the Commissioner of Mental Health and Corrections in order to get his own way. As explained last Friday, he has moved residents to Stevens under pretense of further education, and has transferred

equipment and material and allowed deterioration of buildings to prove the point for closing of Skowhegan. He has done this at other institutions in the same manner. Due to the transfer of accounts, the farm at Augusta suddenly was a liability instead of a money-making deal, and was subsequently closed. All greenhouses and gardening activities were later cancelled. \$85,000 was expended for repairs of the Sanborn building at the Augusta Mental Health Institute and before the work was completed, the building was torn down at additional costs. The same was true of the Maximum Security Building which was closed after an expenditure of \$150,000 was paid out. Many buildings at Pineland have had extensive remodeling at great expense, and then used for other purposes at further expense. A year ago \$6,000 was requested for repairs at the Children's Psychiatric Hospital, and at the very same time a request was made by the department to close the facility.

Bill Caldwell disclosed manipulation of funds between Commissioner Kearns and Commissioner Fisher in a Sunday Telegram editorial a week ago. I could go on and on with examples of the way programs and monies have been manipulated at huge cost to the taxpayer and the patients and residents of the various institutions that have suffered as a result. We all know why the Governor condones such action, but why the legislature continues to waste funds at the Commissioner's whim is beyond my comprehension.

In yesterday's papers, Mr. Caldwell questioned expenditures of millions of dollars for state offices and parking garage facilities. As suggested previously, the Stevens complex would make excellent office facilities and the parking problem relieved as a result of the move. Several rented office spaces throughout Augusta could be moved to Hallowell or at this location. It is the suggestion, if not feasible, that the Hallowell location is much more suitable for the proposed Veterans Home, closer to the VA hospital and other veteran's facilities. There are other programs that would be well

implemented at Hallowell also.

I do not mean to stand here this afternoon and claim to know all the answers. But I did state here last year that if the gambling bill was passed, Maine would be a wide open state for legalized gambling. Within months after the bill was passed the 106th Legislature was ridiculed for their actions in allowing the use of slot machines and open gambling throughout the state. Thankfully, that error has been corrected by passage of the new law signed by the Governor last week. I sincerely feel that if we pass this order today, and allow the session to close without funding of Skowhegan, that we shall be justly criticized as a bunch of ignoramuses and may have to come back for a special session to correct the situation.

I therefore move for reconsideration and eventual indefinite postponement of this order, and urge the Appropriations Committee to include Skowhegan in the supplemental budget. Thank you.

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

Mr. SEWALL: Mr. President and Members of the Senate: I am not going to stand here this afternoon to defend the Department of Mental Health and Corrections. Those of us on the Appropriations Committee who have seen this funding at Skowhegan presented for several years, with the declining patient rate, or inmate rate, with the employment complement and personnel count remaining fairly constant up there at around 40 to 45 employees, it seemed to us on the part of prudence and wisdom that a stand be made here one way or the other.

There are, of course, serious differences of opinion as to whether Skowhegan should be rebuilt and made suitable to handle all of the female correction problems, or whether we should move the Skowhegan facility to Hallowell and close down Skowhegan. I think anyone would agree, including the good Senator from York, Senator Hichens, that two of these facilities is one too many. It would cost, we are told by those in whom we have a degree of confidence, that it would cost in the

order of five or six million dollars, at the minimum, to make Skowhegan suitable to handle all the female offenders. On the other hand, it would cost approximately \$150,000 to modify one of the buildings now in existence at Hallowell to receive the girls or the women from Skowhegan. We are running a \$300,000 plus payroll up at Skowhegan, and this seems like money that we could well put to use somewhere else.

Now, this order, I don't feel, is as sinister as the good Senator has inferred, in that it simply authorizes the Legislative Council to study the feasibility of utilizing the Women's Correctional Center at Skowhegan for purposes other than correction to determine the appropriate disposition of the facility upon determination of its present use. Now, I would suggest to the Senate that if its use is not terminated this order would be unnecessary. On the other hand, if funding is withheld from Skowhegan, I don't for the life of me see how it can continue to operate as the facility now does.

So, Mr. President and Members of the Senate, I object to the motion which the good Senator from York, Senator Hichens, has proposed and would hope that the Senate would not reconsider its previous action whereby this order was passed.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate reconsider its action whereby Joint Order, S. P. 936, was passed. The Chair will order a division. As many Senators as are in favor of the motion of the Senator from York, Senator Hichens, to reconsider will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Four Senators having voted in the affirmative, and 21 Senators having voted in the negative, the motion did not prevail.

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

### After Recess

Called to order by the President.

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Initial Changes in the Penal System of the State and the Rights and Duties of Convicted Person" (H. P. 2015) (L. D. 2556), the President appointed the following Conferees on the part of the Senate:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland.

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

### Non-concurrent Matter

Bill, "An Act to Increase the Minimum Wage." (H. P. 1801) (L. D. 2321)

In the Senate March 14, 1974, Passed to be Engrossed as amended by Committee Amendment "B" (H-745), In non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (H-744) and House Amendment "A" (H-765), in non-concurrence.

Pending — Consideration.

Mr. Tanous of Penobscot moved that the Senate Adhere.

Mr. Conley of Cumberland then moved that the Senate Recede and Concur and subsequently requested a roll call.

The PRESIDENT: 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.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I would just like to remind you on this particular bill that we debated extensively last week that, again, this was placed in the Governor's call and the Governor called for a \$2 minimum wage.

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

Mr. CONLEY: Mr. President, I have heard the good Senator from Penobscot, Senator Tanous, use the good Governor of this State's name several times relative to this piece of legislation. I would also like to remind the good Senator from Penobscot, Senator Tanous, that there are many things that the Governor asked for in his current services budget, as well as the supplemental budget, that we have more than doubled as far as his requests were concerned. I think that, if the working poor in this state are going to be able to have any purchasing or bargaining power, that we have to meet up to our responsibilities and increase the minimum wage. I think the amendment which is before the Senate at this time, which was put on in the other body, is at least a fair compromise whereas as soon as this law was passed the bill would go to \$2 an hour; commencing June 30, 1974 would go to \$2.10; and on October 15, 1975 and thereafter \$2.20 an hour. I don't think that is too difficult to buy.

The PRESIDENT: 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 Conley, that the Senate recede and concur with the House on Bill, "An Act to Increase the Minimum Wage." A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Brennan, Cianchette, Clifford, Conley, Cyr, Danton, Fortier, Kelley, Minkowsky.

NAYS: Senators Anderson, Berry, Cox, Cummings, Graffam, Greeley, Haskell, Henley, Hichens, Joly, Katz, Morrell, Olfene, Richardson, Roberts,

Sewall, Speers, Tanous, MacLeod.

ABSENT: Senators Huber, Marcotte, Schulten, Shute, Wyman.

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

Thereupon, the Senate voted to Adhere.

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

### Senate Divided Report

The Majority of the Committee on Labor on Bill, "An Act Extending Bargaining Rights to State Employees." (S. P. 817) (L. D. 2314) reports that the same Ought to Pass as amended by Committee Amendment "A" (S-401).

Signed:

Senators:

TANOUS of Penobscot

HUBER of Knox

KELLEY of Aroostook

Representatives:

CHONKO of Topsham

FARLEY of Biddeford

BINNETTE of Old Town

McHENRY of Madawaska

HOBBINS of Saco

FLYNN of South Portland

McNALLY of Ellsworth

BROWN of Augusta

ROLLINS of Dixfield

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

Signed:

Representative:

GARSOE of Cumberland

Pending — Acceptance of Either Report.

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

The President laid before the Senate the matter tabled earlier in today's

session by Mr. Minkowsky of Androscoggin:

Bill, "An Act Establishing the Maine Public Transit Fund Act" (S. P. 938) (L. D. 2576)

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-405, was Read.

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President, the mass transit fund for Maine as originally suggested involved an appropriation of state monies of \$950,000, plus personnel services. The Appropriations Committee reported out a bill, as it was directed to do, and then recommended that that bill be referred to the 107th Legislature. I think that is a cop-out. I think that if we have any real hope of doing something constructive in this session, as far as the energy situation is concerned, I think we owe it to ourselves and to the taxpayers of this state, and to those who need and want modern transportation facilities, to try to adopt a mass transit bill. For this reason, I have offered this amendment which cuts down the state monies to \$50,000.

I would urge you to let the bill proceed along in this posture, and when it comes back here it will go on the Appropriations Table. I know that the revenue situation is a very difficult one, and I do not mean to be critical of the Appropriations Committee's effort, but I would certainly like to see us have a law on the books now that would permit us to take advantage of potential changes in the federal situation. I am afraid if we send this to study that we are not, in effect, doing that but are simply saying we are not going to take any action now.

I ordinarily, as you members of the Senate know, defer to the distinguished gentlemen of this body who serve on the Appropriations Committee, but I don't see that we are harmed at all by trying to do this. If the bill does not survive, then the Legislative Council can by order direct a study by the appropriate committee of the issue of mass transit.

The PRESIDENT: The Chair

recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I congratulated the good Senator from Cumberland, Senator Richardson, when he came before the Appropriations Committee on the presentation of this bill. As the good Senator has stated, the price tag on the bill at that time was somewhere in the neighborhood of 900 and some odd thousand dollars. If there is a cop-out, I would look at this amendment and say that is the cop-out. We are just fooling the citizens of this state with \$50,000 and telling them that we are going to set up a mass transit system within the state on \$50,000. And if the figures are right, the good Senator stated at the public hearing that the federal government matched something like 7 to 1, but I think it is less than that — I think the figure is probably nearer 5 or 6 to 1 — but we are not really talking about establishing a mass transit system.

Now, I stated the other day — and I don't know if I was put in a box here or not — but I stated the other day that the Appropriations Committee has been diligently working over the last several months on both the current services budget and also the two additional supplemental acts, and it hasn't been an easy job because we spent a considerable number of hours there in trying to establish the priorities within these supplemental acts. As to the merit of this legislation, I obviously share everyone's feeling here, as was expressed the other day, to substitute the bill for the report. But the question in my mind now is who is following who. If we are going to pass this bill, and if we are going to make it worthwhile, and if we are going to make it really meaningful, then I think that the money should be in the bill. And \$50,000 is a cop-out, as far as I am concerned.

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

Mr. RICHARDSON: M. President and Members of the Senate: The Senator from Cumberland, whom I believe is referred to as the Senior Senator, is in error on his figures. \$50,000 state and \$50,000 local, quadrupled by the federal

government, would produce a mass transit fund, according to my mathematics — because it is 4 to 1 money, and not 5 or 6 or 7 — would produce a mass transit fund of about half a million dollars. Now, I recognize clearly that that is less than we need, but it is a lot better than nothing and it is a lot better than walking away from this problem, which is a problem in Maine, and saying we can't do anything about it.

It is not a cop-out to try to fund some share of this program. A half a million dollar mass transit program is a lot less desirable than the \$10 million total program that had originally been brought before the Appropriations Committee. I hope you would permit this amendment to be adopted, send this bill along, and let it come back. Then if it can survive the Appropriations Table experience, so-be-it. At least we have made a bona fide effort to try to get some kind of legislation on the books and get some kind of a program under way, rather than turn our backs on it and walk away. And I put the emphasis on "walk away".

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am in full agreement with Senator Richardson so far as the intent and purpose of this legislation. But in our City of Lewiston we have a unique situation where we have private transit corporation and at the present time the municipalities of Lewiston and Auburn are subsidizing this particular transit corporation.

In looking over the original draft that was presented to the Appropriations Committee by Senator Richardson, there was a stipulation in there that said the following: "Private transit authorities would not be eligible for such subsidies." By analyzing the bill itself, which is L.D. 2576, that has been deleted but there is no point of clarification insofar as the contractual agreements with the private carrier and the municipalities in the state, and I feel that maybe this should actually be clarified at the present time before this bill is engrossed. On that particular basis, Mr. President, I do have an

amendment which I am working on at the present time but cannot be reproduced this afternoon. So I wish somebody would table this until the next legislative day.

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

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

### Reconsidered Matter

On motion by Mr. Cox of Penobscot, the Senate voted to reconsider its prior action whereby it voted to Adhere on:

Bill, "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense." (H. P. 1991) (L. D. 2535)

(Senate — Passed to be Engrossed as amended by House Amendment "A" (H-729) and Senate Amendment "B" (S-390)

(House — Passed to be Engrossed as Amended by House Amendments "A" and "D" (H-763).)

Senate Adhered.

On further motion by the same Senator, 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 Senate Amendment "B" was Indefinitely Postponed.

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

Senate Amendment "C", Filing No. S-404 was Read.

The PRESIDENT: The Senator has the floor.

Mr. COX: Mr. President, briefly, Senate Amendment "C" reduces the money for the wholesale distributors by one-quarter of one percent and brings it back to 2½ percent. That is all the amendment does.

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

The motion prevailed.

House Amendment "D" was Read.

The PRESIDENT: The Chair

recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if the good Senator from Penobscot might give us an explanation as to what House Amendment "D" does do?

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

Mr. COX: Mr. President, House Amendment "D" brings into the legislation coverage for people under terminal care in a nursing home. Under the bill as it exists at this time, an extended stay in the hospital would be covered under the legislation, but if it were a terminal case and you were in a nursing home, it would not be covered. House Amendment "D" brings that into play.

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

Thereupon, House Amendment "D" was Adopted.

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

Mr. OLFENE: Mr. President and Members of the Senate: Having read this bill and from what I have been told about this bill, first let me go on the record in saying that I am much in favor of medical support for those people who would be involved in this catastrophic area, but what I do not understand is how this legislature can proceed to spend this kind of money and appropriate this type of money when they really don't know where they are going with this and what the long-term ramifications and costs of this particular piece of legislation will be. So, Mr. President, if it is in order, I would move indefinite postponement of this bill and all accompanying papers, and I would request a roll call.

The PRESIDENT: The Senator from Androscoggin, Senator Olfene, now moves that Bill, "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense", be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: I would like to

differ to some extent with my good friend, the Senator from Androscoggin, in that under this bill we do not know where we are going. I think that there may be certain phases of it, but those phases of it there have been so much in favor of economy on the part of the state and the Health and Welfare Department that I think there is no question that we know where we are going.

The bill calls for approximately \$2,845,000, which is to be raised entirely by the tax on cigarettes. Of this amount of money, \$2 million will be used to qualify medical indigents. There will be approximately \$4 million of federal money raised by this amount, which will make approximately \$6 million for Medicaid for medical indigents.

Now, in this state we have had Medicaid only for indigents, people receiving aid, being paupers, either through the town or mostly through the state. This would take care of people who normally can take care of themselves, but due to an extra large medical bill cannot pay everything as we go along.

Now, this is very explicit in the federal law. \$2 million of the state's contribution would be spent strictly according to the Medicaid part of the Social Security Bill. To give you an idea of what this might entail, it is probably a sad thing to relate, but we have had case workers working for the state who have gone into homes and advised separation and divorce, not because there was any trouble in the family, but simply because it was the only way possible that they could see of the state helping these people. This has been admitted to by the head of the department. Naturally, it doesn't come from the head of the department. They deplore that situation. They deplore the fact that we, the legislators, have put the Department of Health and Welfare in this situation where they have to tell a person, "If you stay together, there is nothing we can do to help you. But if you get a divorce or if you separate and make believe that the other party doesn't know your whereabouts, then we can help you." This is a very deplorable situation and this would be probably the biggest expense involved in this bill, and it is very, very well worked out.

The other portion of the bill, or approximately \$845,000 for catastrophic medical help, is probably not quite as definite, but anyone having done any work at all in this department knows that this is a very, very small fraction of the amount of money which would be necessary to do a complete job in this department. This amount was based on the amount of money available with this tax, and not on the real need of the department. Even there, I believe that the method of dispensing the money is spelled out well enough so we can know where we are going and what we are going to do. This would be cases, again, where normally they take care of themselves but, due to extraordinary circumstances, they cannot do it.

Now, this is an example here of an individual earning \$10,000 a year: Before anyone in his family would qualify for catastrophic help, he would have to spend first 20 percent of his year's income for medical expenses. If he had liquid assets, he would have to spend 10 percent of those liquid assets during that first year. Assuming that an individual had assets worth \$50,000, and that \$20,000 of that might be his home, that would possibly leave a balance of \$30,000 in liquid assets. That individual would have to spend another \$3,000 of his liquid assets. He would furthermore have to spend another \$1,000 of his own money as co-insurer, which would mean a total of \$6,000 out of a salary of \$10,000, over and beyond any hospitalization or medical insurance which he may have. I think that this is certainly requiring that the burden of proof is certainly with the recipient.

In view of these facts, I think the need is very well established. It will produce another \$4 million of federal money. Furthermore, the citizens of the State of Maine are contributing to this Medicare program in most of the other states and we are getting very, very little benefit from it. The last figures that I was able to ascertain were of 1971, but at that time there were 24 states that had this program, for which we are contributing and getting absolutely nothing in return.

I do think that a bill that can get us \$4 million of federal money, where we are already contributing a great part of it, is

certainly to the advantage of the Maine people, and I certainly hope you will vote against indefinite postponement.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I am going to vote against indefinite postponement at this time, but in doing so I want to serve notice on the proponents of this legislation that this bill with the amendment on it, which is Senate Amendment "C", Filing No. S-404, includes giving to licensed distributors of cigarettes an additional quarter of a cent which is designed to reimburse them for affixing a stamp on these packages. I do not understand that that ever received a public hearing. I do not understand the philosophy behind this proposal that says that we have got to increase the licensed cigarette distributors' share here in order to meet their rising cost. I didn't understand that was part of the bill originally, and I don't think it is a proper part of this piece of legislation in the first place.

I am going to vote against indefinite postponement, but I hope that all of you in the Senate would think very carefully about this aspect of this legislation which I find unacceptable. I think we ought to try to do something about the catastrophic illness area and we perhaps ought to go a different route than that envisioned by this bill, but certainly I am very troubled by the fact that you have got on here now an additional quarter of a cent to the licensed distributors which did not receive a public hearing.

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

Mr. KATZ: Mr. President and Members of the Senate: I guess we all have various concerns about this legislation, and I would like to mention a couple of mine. If there is one thing that we saw in recent years, it is an earnest desire in the State of Maine to get away from dedicated revenue. I believe the Management Cost people in their reports indicated the pitfalls of dedicated revenue, and this bill does raise the cigarette tax to fund a specific program. I think this takes us in exactly the wrong direction.



If we want to build ourselves a program to meet a demonstrable human need, and catastrophic illness certainly is, we should gear it towards the general fund. On that basis, I shall not support this legislation.

The second thing that bothers me is that as we enter this extremely important area of meeting this human need, I do not share the confidence of my mentor and my personal idol in all matters pertaining to taxation, the Senator from Oxford, Senator Fortier, that we necessarily have before us a bill in good form that will meet this need in the best possible shape for the people of this state.

This is a big program we are getting into today. I don't care what the price tag on this bill is, but we are getting into an area where we are dealing with substantial millions of dollars, and too frequently in the past we have jumped into a program which had lots of federal dollars dangling at the end of a fishpole because it was so attractive it was an offer too good to refuse. I would hope that if this motion to indefinitely postpone does prevail during this session, that the next legislature and the next administration, whoever it is, comes in with a well conceived program at the beginning of the legislature so that all these doubts that many of us are raising can be faced in due course in the early part of the legislation, instead of asking us to pass legislation based upon trust and confidence in the final weeks of a special session.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I want to go on record clearly as being against the motion to indefinitely postpone. There certainly are many needs in this state in regard to catastrophic illnesses. I personally have talked to many people that have found this to be a very crushing burden, and I think the state has some responsibility.

I do think the bill is responsible in regard to providing a funding mechanism. It is not dedicated funds; it was a mechanism designed so that it could be passed. And if there are any

problems with it, there are other sessions of this legislature to come and they can be corrected at that time.

Hopefully, the whole problem will be resolved by the federal government in a couple of years with some sort of national health insurance, but as of this time there is nothing available to help these families that really have need now. This isn't perfect, but it does something in that direction, so I hope you would oppose the motion to indefinitely postpone and go on to support the bill.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Haskell.

Mr. HASKELL: Mr. President and Members of the Senate: I am very reluctantly going to have to vote today in support of the motion for indefinite postponement for two reasons.

First of all, I am unwilling to see the state get in the posture of establishing standards for catastrophic illness before a study has been made to determine whether in fact the funding that is proposed would even begin to cover the needs. The information that I have been able to develop is that at this point such a study has not been made, and I do not want to see us in the posture of having legislation on the books which would indicate that relief is available for people in the state who are victims of catastrophic illness and there not be sufficient funding to take care of their needs. I think that this would be a cruel posture for the state to be in, and I know from previous experience that we cannot establish standards and then limit the amount of appropriations and then be in a position where the funding was not available. If we are going to receive federal funding, and we do establish standards on a social program, the funding has to be forthcoming. And I am unwilling to see the state go into a program of this sort until we have had reasonably good cost figures developed.

Now, the \$800,000 that is suggested here as the funding for this particular part of the program, in fact, was not the result of a study but was simply the amount of money that was left over after the initial allocation was made to the medically indigent. And the facts of the matter are that we do not have cost

figures, we do not know what they are, and I know that it would be dangerous for the state to be in the posture of having legislation on the books without adequate funding for it.

Now, the second reason that I am going to vote in support of indefinite postponement is the fact that this matter has engaged the attention of the national Congress. Various bills are before that body now for this problem to be dealt with on a national level. With the resources that are available on a national level, it seems to me that this is the logical place for a program of this size to be funded. I do not feel that we should rush into this area in advance of federal action. I think that the probability of federal action this session is very good. I think it would be unwise for us to be locked into a program that we couldn't support with our dollars.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: I just can't understand why the opponents of this bill seem to insist that we do not know where we are going. The largest part, as has been admitted, goes to Medicare. This has been on the books for a great many years and we certainly know where we are going in that respect.

The question of catastrophic health, which involves approximately \$845,000, I admit may be a little more hazy, but according to every authority that we have been able to contact, particularly Dr. Fisher, who expounded at length before the committee, admits that this is a very, very small part of what would be needed to do the job completely. Now, the question resolves to this: just because we may not have the price to buy a whole loaf of bread which we could consume, are we going to refuse a quarter of a loaf of bread or some lesser portion of it?

There is no question that this does not cover the whole cost. That is why the complete figures as to the total need were not developed, because it was ridiculous to spend time and money developing figures on which we knew we could not get the appropriation to cover same. Furthermore, the bill reads — and

this, I think, is protection for those people that are afraid that we are getting into deep water: the residual income, that is, the income of people that would collect under this catastrophic bill but who normally can take care of themselves, the residual income does not exceed 133 percent of an amount equal to the public welfare standards applicable to the applicant. In other words, you could not possibly have an income which you could depend on beyond 133 percent of what paupers are getting.

Now, the fact has been brought out that we may possibly have a national bill which would take care of that. We all know that that national bill has been kicked around in Congress for the last eight or ten years. So far it hasn't got anywhere. But supposing that it was enacted next week, this bill provides that it is to be terminated just as soon as the federal bill goes into force. So this argument that the federal government may take care of it has no bearing whatever. What are we going to do with these people meanwhile?

One case, for example, that was very clearly brought out before the hearing was the case of a man that used to earn \$30,000. He had a child who had a terminal disease. For one reason or another this man was forced to retire in order to give that child the proper care which he should have had. Today he is living on \$6,500 a year and the medical care for the child is over \$300 a month, besides travel and other expenses which have been incurred indirectly. These are the kinds of cases, and are we going to wait another eight or ten years until a federal law is enacted? Or are we going to say that we are going to take care of this family and we are going to take care of hundreds more similar families?

We had people up there before our committee in wheelchairs, but the case workers for the state advise the husband that if you leave your wife who is in a wheelchair, then we will contribute some help. This is what we are getting down to, and I certainly hope you will vote against indefinite postponement.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Olfene, that Bill, "An Act to Increase the

Cigarette Tax and Provide Funds for Catastrophic Medical Expense", 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 Androscoggin, Senator Olfene, that Bill, "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense", be indefinitely postponed in non-concurrence. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Clifford, Cummings, Graffam, Haskell, Henley, Joly, Katz, Minkowsky, Olfene.

NAYS: Senators Brennan, Cianchette, Conley, Cox, Cyr, Danton, Fortier, Greeley, Hichens, Kelley, Morrell, Richardson, Roberts, Sewall, Speers, Tanous, MacLeod.

ABSENT: Senators Huber, Marcotte, Schulten, Shute, Wyman.

A roll call was had. 11 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with five Senators being absent, the motion did not prevail.

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

Mr. SPEERS: Mr. President, I am somewhat concerned by the question that was raised by the good Senator from Cumberland, Senator Richardson, a few moments ago about Senate Amendment "C", under Filing No. S-404. For purposes of discussion, Mr. President, I would move that the Senate reconsider its action whereby it adopted Senate Amendment "C", and I would ask the question as to why additional monies are being paid from the state when we obviously are in a position where money is very tight in the State of Maine, and becoming even tighter as a result of this

particular bill. We are requesting an increase in the cigarette tax and yet, on the other hand, we are reducing the amount of revenue that the state will be getting from that tax.

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

The motion prevailed.

Mr. Conley of Cumberland then moved that Senate Amendment "C" be Indefinitely Postponed.

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

Mr. COX: Mr. President, I offered the Senate Amendment at the request of the wholesale distributors who, like everyone else in the United States, have suffered increases in the cost of doing business in the last 10 or 15 years. They have not enjoyed an increase in this. As a matter of fact, they have gone from 3 percent down to 2¼ percent since 1960, and they are merely asking for a little bit more money, which only can be given to them by the state legislature. They cannot do anything about it themselves. Therefore, that is why I submitted the amendment.

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

Mr. RICHARDSON: Mr. President, it seems to me that the licensed distributors of cigarettes are uniquely capable of passing on any additional costs in terms of increasing the cost of the product that they sell, and I don't see why we should at this time, of all times, when we are struggling so desperately to put together a program to include within a program for catastrophic illness, adjust what a small group of people view as a tax inequity. If they legitimately incur additional costs of doing business, it seems to me that they can pass that cost on in the cost of the cigarettes, and I don't think we ought to scale down the effective scope of this program by that kind of a tax relief program put in this bill when this legislature is so very concerned about the question of taxes and revenues generally.

Therefore, I support the motion to

indefinitely postpone, and I do so very reluctantly because the Senator from Penobscot, Senator Cox, has labored long and hard on this matter to try to reach an accommodation. I think it ought to be removed from this piece of legislation.

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

Mr. MORRELL: Mr. President and Members of the Senate: I wonder if I could ask a question to whoever might be willing to answer. Just what is involved on the part of the distributor in collecting this? My understanding was that they have to go to quite some difficulty in preparing the product for putting the stamps on and so forth. Perhaps someone could give us a little background on that that might help us to vote on this a little more intelligently.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, has posed an inquiry through the Chair which any Senator may answer if he wishes.

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President and Members of the Senate: As I understand the handling of the cigarettes, each carton, package, each case has to be opened, each individual package has to be hand run through a machine to be stamped, repacked into the carton and into the cases, and that is where the labor comes in. Also there are a lot of material costs that go along with the investment and equipment, and that is why they are asking for relief.

In answer to the good Senator from Cumberland, Senator Richardson, the price of cigarettes is controlled by the State of Maine, which I did not know until I submitted a bill on that this session which did not pass. They get a percentage mark-up which is fixed by law, and it has not been changed.

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

Mr. MORRELL: Mr. President and Members of the Senate: Based on that explanation and the fact that the distributors do have to go to some considerable difficulty, and their cost in doing so increasing, I would oppose the

motion to do away with that amendment. I think it is entirely proper.

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

Mr. CONLEY: Mr. President and Members of the Senate: I perhaps have to plead ignorance on my part that there is a fixed price on cigarettes in the State. I know that in certain areas of the state, in restaurants and so forth, you can go to a cigarette machine and you can purchase cigarettes at anywhere from sixty cents down to forty-five or fifty-five cents. So if there is supposed to be a fixed price on them, it certainly isn't apparent to me. Of course, I recognize the fact that one of the most important bills we took care of in the regular session was giving relief to the race tracks. At least at the race tracks you can only go broke. Giving relief to the tobacco dealers, I suppose is a necessity also, but perhaps those of us who smoke can perhaps take advantage of the catastrophic illness bill. If so, I would hate to do it at the expense of the citizens who have become ill through smoking.

The PRESIDENT: Is the Senate ready for the question. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Senate Amendment "C", be indefinitely postponed. The Chair will order a division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would request a roll call.

The PRESIDENT: 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 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 Conley, that Senate Amendment "C" be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

YEAS: Senators Anderson, Berry, Conley, Cummings, Fortier, Henley, Hichens, Joly, Kelley, Richardson, Sewall, Speers, Tanous.

NAYS: Senators Cianchette, Clifford, Cox, Cyr, Danton, Graffam, Greeley, Haskell, Katz, Minkowsky, Morrell, Olfene, Roberts, MacLeod.

ABSENT: Senators Brennan, Huber, Marcotte, Schulten, Shute, Wyman.

A roll call was had. 13 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with six Senators being absent, the motion did not prevail.

The PRESIDENT: Is it now the pleasure to adopt Senate Amendment "C"? As many Senators as are in favor of adopting Senate Amendment "C" will please say "Yes"; those opposed "No".

A viva voce vote being taken, Senate Amendment "C" was Adopted.

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

Mr. SPEERS: Mr. President, I would ask for a division.

The PRESIDENT: The Chair would inform the Senator he may ask for a roll call. The hammer has been brought down and the vote has been announced. A roll call may always be asked for.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, this matter I presume is still debatable?

The PRESIDENT: A roll call has been requested. The matter is still before the Senate.

Mr. RICHARDSON: Mr. President and Members of the Senate: The Senator from Penobscot, Senator Cox, has just suggested that there is some sort of price fixing mechanism which is such that the increased cost of affixing stamps, the increase brought about by labor costs, is not accounted for by increased sales and increased profits. I would certainly appreciate being advised or being educated on this question to suggest that the cigarette distributors have not in fact enjoyed a significant increase in net

income since 1965, because I think to imply otherwise is quite simply not true. I want to know whether or not Senator Cox and those of the rest of you who voted against indefinite postponement are suggesting to the Senate that the cigarette distributors have not in fact enjoyed a net increase in income, and I want to know whether or not it is the present set-up that the retail prices charged in vending machines, and all the rest of it, is it really true that these are all fixed by law, and if so—I stopped smoking a while back, but I certainly have seen a wide disparity in prices being charged at the retail level.

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

Mr. COX: Mr. President and Members of the Senate: I cannot attest to the fact of the net income of any cigarette distributor in the State of Maine. There is in the law a provision of percentage of mark-up on the wholesale distributors, and that is what I am referring to. Certainly the sales have increased, and certainly they have their costs of doing business increased, and no one can deny that. I am saying, when he asked whether there is a margin fixed to a percentage of sale by the State of Maine, there is no room in that for them to mark up for the cost of doing business.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, I would like to ask a question of Senator Cox from Penobscot. How much money are the distributors getting now to put that tax stamp on, and how much more would they be getting with this amendment?

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

Mr. COX: Mr. President, I don't know how much they are getting, but they would get \$50,000 a year based on Senate Amendment "C". That would be distributed between all the wholesale distributors in the state.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, do I understand that this amendment calls

for an increase from two percent to two and a quarter percent, or two cents to two and a quarter cents?

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

Mr. COX: Mr. President, the bill calls for an increase of two and one quarter percent to two and one-half percent of the amount of stamps that the distributors are required to buy to affix to the cigarettes.

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

Mr. SPEERS: Mr. President, do I understand the Senator from Penobscot, Senator Cox, correctly that this would cost the state \$50,000 a year?

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

The Chair recognizes the Senator from Penobscot, Senator Cox.

Mr. COX: Mr. President, affirmative.

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

Mr. MORRELL: Mr. President, a question again of Senator Cox please; How many distributors are there to whom this \$50,000 would actually be distributed or who would benefit from it?

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

Mr. COX: Mr. President, I believe 41 in the State of Maine.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I have a parliamentary inquiry. It was my understanding that the vote was taken, the gavel down and announced. I was under the impression that, that being the case, the matter is ended unless there is a motion to reconsider. Am I in error on that?

The PRESIDENT: The Chair would inform the Senator from Androscoggin that a roll call is always in order, even after a vote has been announced. Even after a viva voce vote has been taken

and announced, a roll call may be requested.

Mr. CLIFFORD: Mr. President, I understand the vote was more than announced, that the gavel on the Senate action had come down. Is that right?

The PRESIDENT: The Chair would refer the Senator to the Constitution of the State of Maine, which says that either branch of the legislature is entitled to have their votes recorded on any issue before the legislature according to the "Yea" and "Nay" vote.

The pending motion before the Senate is the adoption of Senate Amendment "C". 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 adoption of Senate Amendment "C" to Bill, "An Act to Increase the Cigarette Tax and Provide Funds for Catastrophic Medical Expense". A "Yes" vote will be in favor of the adoption of Senate Amendment "C"; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Brennan, Cianchette, Clifford, Cox, Cyr, Danton, Graffam, Greeley, Haskell, Katz, Kelley, Minkowsky, Morrell, Olfene, Roberts.

NAYS: Senators Anderson, Berry, Conley, Cummings, Fortier, Henley, Hichens, Joly, Richardson, Sewall, Speers, Tanous, MacLeod.

ABSENT: Senators Huber, Marcotte, Schulten, Shute, Wyman.

A roll call was had. 15 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with five Senators being absent, Senate Amendment "C" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Joint Order — Relative to Legislative Council inquiring into pricing of legislative printing practices. (S. P. 935)

Tabled — March 13, 1974 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, on further motion by the same Senator, the Joint Order received Passage.

Sent down for concurrence.

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

Joint Order — Relative to Legislative Printing Contracts. (H. P. 1997)

Tabled — March 5, 1974 by Senator Berry of Cumberland.

Pending — Passage.

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

MR. BERRY: Mr. President and Members of the Senate: The subject of this order having been covered by the preceding order, I move this order be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that this Joint Order be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

Thereupon, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Under suspension of the rules, there being no objections all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

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:

#### **Enactors**

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

An Act Authorizing a Study of Maine's

Forest Resources and of Opportunities for their Better Utilization. (H. P. 2026) (L. D. 2567) (On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Authorizing Municipal Auditoriums to Have a Liquor License. (H. P. 2013) (L. D. 2553)

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

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

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

The President laid before the Senate the matter temporarily set aside at the request of Mr. Anderson, of Hancock:

An Act Authorizing Municipal Auditoriums to Have a Liquor License. (H. P. 2013) (L. D. 2553)

Pending — Enactment.

Mr. Anderson of Hancock then moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

MR. OLFENE: Mr. President and Members of the Senate: I rise in opposition to the motion of the good Senator from Hancock. I am not going to be lengthy, but I am just going to remind you that we have debated this bill on two previous occasions. You know what the purpose of the bill is and you know, as I have told you before, it is strictly a bill for control, and this is exactly what this state is hoping to continue to do in the field of liquor. You know all of the ramifications and you have heard all of the previous debate. Mr. President and Members of the Senate, I hope you will vote to oppose the motion of Senator Anderson.

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

MR. HICHENS: Mr. President, I would request a roll call.

The PRESIDENT: 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 Hancock, Senator Anderson, that Bill, An Act Authorizing Municipal Auditoriums to Have a Liquor License, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Anderson, Clifford, Fortier, Greeley, Haskell, Henley, Hichens, Tanous, MacLeod.

NAYS: Senators Berry, Brennan, Cianchette, Conley, Cox, Cyr, Danton, Graffam, Joly, Katz, Kelley, Olfene, Richardson, Sewall, Speers.

ABSENT: Senators Cummings, Huber, Marcotte, Minkowsky, Morrell, Roberts, Schulten, Shute, Wyman.

A roll call was had. Nine Senators having voted in the affirmative, and 15 Senators having voted in the negative, with nine Senators being absent, the motion did not prevail.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side on this bill, I now move reconsideration and ask the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby the motion to indefinitely postpone the bill did not prevail. 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.

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.

Mr. Katz of Kennebec then moved that the Senate reconsider its action whereby the Bill was Passed to be Enacted.

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

### Emergencies

An Act Advancing the Effective Date of a Pay Adjustment for State, Maine Maritime Academy and Classified and Unclassified University of Maine Employees and State Officers and Judges. (H. P. 2022) (L. D. 2565)

An Act Relating to Representation of School Administration Districts. (H. P. 2020) (L. D. 2563)

An Act to Clarify Certain Administrative Aspects of the Saco River Corridor Commission. (S. P. 826) (L. D. 2353)

An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1974, Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, and the State Lottery Commission and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government. (H. P. 2028) (L. D. 2569)

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

Mr. SEWALL: Mr. President and Members of the Senate: I would like to call the Senate's attention to L. D. 2565, which is An Act Advancing the Effective Date of a Pay Adjustment for State Employees. I think this bill should be noted on its way to final enactment. This moves the effective date of the pay increase which was approved last session from July 1 of 1974 back to April 1 next, which is approximately two weeks away. The Appropriations Committee felt this was a fair compromise between the prior request that the pay rate be scaled up as of January 1, 1974, which seemed a little bit too far back for us to accept. So, I did want to call this matter to the attention of the Senate.

The Second Item, I would like to call the Senate's attention is item 8-7, L.D. 2569, which is the supplemental appropriations bill which appropriates approximately \$4.5 million to carry out additional functions of state government between January 1, 1974 and June 30, 1974. This is not the Part II Budget, in case anyone had any question, but it does make some very meaningful appropriations in certain areas of state government. I will touch on



approximately four or five of these for your information. It does restore a cut in the education budget to fund certain adult education programs throughout the state. I am sure that many of you had a good many letters on this item of approximately \$260,000, and this item has been restored in this budget before you. It establishes a fuel reserve fund of \$2.2 million to cope with the increasing cost of fuel oil at the various state institutions and the buildings which we must heat. It does provide money to renovate the so-called Ray Building over at the Augusta State Hospital which will be used for additional state office space. This building is a fine building but, of course, is not in the proper form today to use as a state office building, and there will be laboratories installed in there as well. Hopefully, the Department of Environmental Protection and the new Department of Conservation will have very adequate quarters over there when this building has been refurbished. It increases pay for the foster homes throughout the state and, as many of you

I am sure are aware, these payments are fairly low at the present time. It appropriates approximately \$1.0 million for the SSI Program, Supplemental Security Income Program, which replaces many of the former AABD Programs, Aid to the Blind and Disabled. And it provides \$150,000 to make renovations down here at Stevens School to receive former inmates of the Skowhegan Reformatory. So, Mr. President, I move the pending question on both of these two items. I did want to call their attention to the Senate.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, these being emergency measures and having received the affirmative votes of 24 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.

### Enactors

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

An Act Allowing Incorporated Civic Organizations to Apply for a Liquor

License for One Event Per Year. (S. P. 923) (L. D. 2555)

Mr. Hichens of York moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. OLFENE: Mr. President and Members of the Senate: This bill, as I recall, was not debated here in the Senate and I hope we will not have to go to any length of debate, but perhaps a brief word of explanation, I hope, would be helpful in helping you make a decision.

This bill primarily is pretty well spelled out in the title of redraft. There are numerous incorporated non-profit organizations around our state, and if I might use an easy example for you, some of the hospital associations that put on an annual affair. What this little bill would do, it would allow them to obtain a license to serve alcoholic beverages at one event per year. The cost of the license fee is \$50. They must apply at least 20 days in advance of the function. The application must be approved not only by the State Liquor Control Commission, but also the municipal officers of the community. It cannot be issued in a town which is presently so-called a dry town.

Most of you know, or many of you know who have attended these social functions, that today in many cases caterers are used in some cases, but in the smaller communities this seems to be a very difficult thing to have, to find a caterer willing to serve at these particular functions.

I think the bill is very well drawn up. I think it is again control, remembering it is one affair per year that the non-profit organizations can run this operation themselves. Most of you in your communities have this situation, either through your hospital association or perhaps some other non-profit civic organization. Therefore, I would oppose the motion of my good friend Senator Hichens, and would ask you to vote in opposition to the motion to indefinitely postpone.

The PRESIDENT: The pending motion before the Senate is the motion of

the Senator from York, Senator Hichens, that Bill, "An Act Allowing Incorporated Civic Organizations to Apply for a Liquor License for One Event Per Year, be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of indefinite postponement will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

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

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**Papers from the House  
Committee Reports  
House  
Ought to Pass**

The Committee on Education on, Bill, "An Act to Increase the Borrowing Capacity of School Administrative District No. 70." (H. P. 2045) (L. D. 2577)

Reported pursuant to Joint Order (H. P. 2036) that the same Ought to Pass.

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

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

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**Ought to Pass - As Amended**

The Committee on Labor on, Bill, "An Act to Enable the Temporary Extension of Unemployment Compensation Benefits as Provided by Recent Federal Legislation as a Result of the Energy Crisis." (H. P. 1942) (L. D. 2482)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-764).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-764) and House Amendment "A" (H-766).

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 and Adopted

in Concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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**Divided Report**

The Majority of the Committee on Labor on, Bill, "An Act to Eliminate the Mandatory Waiting Period for Unemployment Compensation Applicants who Have Lost Income as a Result of Electrical or Petroleum Product Shortages." (H. P. 1870) (L. D. 2369)

Reports that the same Ought to Pass in New Draft under New Title: "An Act Eliminating Waiting Period under Employment Security Law" (H. P. 2046) (L. D. 2578)

Signed:

Senators:

TANOUS of Penobscot

KELLEY of Aroostook

Representatives:

FLYNN of South Portland

McNALLY of Ellsworth

HOBBINS of Saco

McHENRY of Madawaska

BINNETTE of Old Town

CHONKO of Topsham

FARLEY of Biddeford

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

Signed:

Senator:

HUBER of Knox

Representatives:

BROWN of Augusta

GARSOE of Cumberland

ROLLINS of Dixfield

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

Which reports were Read.

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

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**Divided Report**

The Majority of the Committee on Taxation on, Bill, "An Act Amending the Elderly Householders Tax and Rent Refund Act." (H. P. 1807) (L. D. 2287)

Reports that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington

FORTIER of Oxford

COX of Penobscot

Representatives:

MAXWELL of Jay

MERRILL of Bowdoinham

IMMONEN of West Paris

FINEMORE of Bridgewater

SUSI of Pittsfield

MORTON of Farmington

DOW of West Gardiner

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

Signed:

Representatives;

DAM of Skowhegan

COTTRELL of Portland

DRIGOTAS of Auburn

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

Which reports were Read.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

The PRESIDENT: The Chair would like to apologize to the Senate for last Friday having ruled that a bill could be taken from the table under suspension of the rules, that when you suspended the rules you could do anything. This was on the basis of a quick reference which we looked up in Mason's. Since then we have done a lot more research and called the Law Librarian, Miss Hary, and further research has shown there is supportive arguments on both sides, but the

tradition of the Senate has been that when a bill is put on the table to a date certain it remains there until that day arrives. That tradition will be carried out from now on.

Today the Chair ruled that once the vote had been announced, even though the vote had been announced on a voice vote, that a roll call was still in order. Once the vote has been announced by the Chair, no further action can be taken, either a division or a roll call. If that happened, you could always be asking for a roll call, maybe fifteen or twenty minutes later when the matter is no longer before the body. Once the vote is announced, there is no more debate and no further escalation of the motion such as a division or a roll call. The Chair apologizes. It won't be the last error.

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

Mr. BERRY: Mr. President and Members of the Senate: I am sure we are all in complete agreement with the Chair's statement but I would point out, however, that Senator Clifford's inquiry could have been handled by a reconsideration motion. So the affair could have been handled, even though the vote had been announced, because a reconsideration motion would have been in order.

On motion by Mr. Sewall of Penobscot,  
Adjourned until 10:00 o'clock tomorrow morning.