

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, April 9, 1975

Senate called to order by the President.
Prayer by the Rt. Rev. Frederick B. Wolf of Portland:

Let us Pray, Almighty God, who has given us this good land for our heritage, we humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning and pure manners. Save us from violence, discord and confusion, from pride and arrogance and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in Thy name we entrust the authority of government, more especially this Senate of the State of Maine, that there may be justice and peace at home, and that through obedience to Thy law we may show forth Thy praise among the nations of the earth. In the time of prosperity fill our hearts with thankfulness, and in the days of trouble suffer not our trust in Thee to fail. All which we ask through Jesus Christ our Lord. Amen.

Reading of the Journal of Yesterday.

**Papers from the House
Joint Resolution
STATE OF MAINE**

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

**IN MEMORIAM
Having Learned Of The Death Of
MRS. ANNABEL O'LEARY
OF
BANGOR**

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 1473)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

House Papers

Bills and Resolution today received from the House requiring Reference to Committees were acted upon in concurrence.

(See action later in today's session regarding L. D. 1491 and L. D. 1499)

**Committee Reports
House**

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

Bill, "An Act Concerning Candidate Access to General Register of Voters Files and Concerning Voting Machines." (H. P. 355) (L. D. 447)

Leave to Withdraw

The Committee on Election Laws on, Bill, "An Act to Change the Date of the

Primary Election." (H. P. 188) (L. D. 222)
Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act to Protect Minimum Wage Standards from Inflation." (H. P. 357) (L. D. 449)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act to Increase the Minimum Wage to \$3 an Hour." (H. P. 649) (L. D. 801)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act to Authorize the Real Estate Commission to Administer Oaths and Affirmations at Hearings." (H. P. 679) (L. D. 868)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act to Provide a Right to Examine and Return Life Insurance Policies." (H. P. 665) (L. D. 839)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act to Provide for Multiple Initial Licenses and Clarification of License Category under the Insurance Code." (H. P. 594) (L. D. 733)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act to Amend the Maine Securities Act." (H. P. 574) (L. D. 709)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act Relating to Action or Claim of Insured Against Insurer under a Policy of Insurance." (H. P. 207) (L. D. 252)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills Read Once and Tomorrow Assigned for Second Reading.

The Committee on Local and County Government on, Bill, "An Act to Aid Municipalities in the Purchase of Surplus State Property." (H. P. 643) (L. D. 796)

Reported that the same Ought to Pass.

Come from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-134).

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

House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on, Bill, "An Act Relating to Dealers in Used Personal Property." (H. P. 502) (L. D. 618)

Reported that the same Ought to Pass.

Come from the House, the Bill Passed to be Engrossed as Amended by House Amendment "C" (H-124), as Amended by House Amendments "A" (H-129) and "B" (H-130), Thereto.

Which report was Read and Accepted in Concurrence and the Bill Read Once. House Amendment "C" was Read. House Amendments "A" and "B" to House Amendment "C" were Read and Adopted in concurrence and House Amendment "C", as Amended by House Amendments "A" and "B" Thereto, was Adopted in

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

Ought to Pass — As Amended

The Committee on Judiciary on, Resolve, Authorizing Sherman Collins, Francis Fitzmaurice, the Estate of Durward G. Turner, Durward G. Turner, Jr., David G. Turner and Ellen S. Turner to Bring Civil Action Against the State of Maine.

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-126).

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

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

Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act to Increase the Veteran's Property Tax Exemption." (H. P. 52) (L. D. 64)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1174) (L. D. 1172)

Come from the House, the Bill and accompanying papers Recommended to the Committee on Taxation.

Which report was Read.

On motion by Mr. Speers of Kennebec, Recommended to the Committee on Taxation in concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to the Disposition of Fines and Penalties Resulting from Criminal Prosecutions by Wardens." (H. P. 405) (L. D. 494)

Reported that the same Ought to Pass.

Signed:
Senator:

- COLLINS of Knox
- Representatives:
- BENNETT of Caribou
- McMAHON of Kennebunk
- GAUTHIER of Sanford
- HEWES of Cape Elizabeth
- MISKAVAGE of Augusta
- SPENCER of Standish
- PERKINS of South Portland

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

Signed:
Senators:

- MERRILL of Cumberland
- CLIFFORD of Androscoggin
- Representatives:
- HOBBS of Saco
- HENDERSON of Bangor
- HUGHES of Auburn

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

Which reports were Read.

Mr. Clifford of Androscoggin moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: The bill is L. D. 494, and the statement of fact sets out what the bill does. It provides that the fines and penalties from prosecution resulting from criminal prosecution by wardens be added to the dedicated revenues of the Department of Inland Fisheries and Game. I think the minority of the

committee felt that the state should be moving away from, and not adding to, dedicated revenues. Therefore, I think that is the reason the minority of the committee signed the Ought Not to Pass Report. I would hope that this legislature would not continue to add to dedicated revenues. Thank you, Mr. President.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Androscoggin, Senator Clifford, to accept the Minority Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

Thereupon, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Relating to the Property Tax Exemption of Medical Equipment." (H. P. 524) (L. D. 641)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JACKSON of Cumberland
MERRILL of Cumberland

Representatives:

SUSI of Pittsfield
IMMONEN of West Paris
FINEMORE of Bridgewater
MORTON of Farmington
MULKERN of Portland
DRIGOTAS of Auburn

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

Signed:

Senator:

WYMAN of Washington

Representatives:

TWITCHELL of Norway
COX of Brewer
DAM of Skowhegan
MAXWELL of Jay

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Senate

Senator Collins and Mr. Gauthier for the Committee on Judiciary on, Bill, "An Act to Establish a Public Preserve in the Bigelow Mountain Area." (I. B. 1)

Considered the petitions and asks leave to report that 555 petitions were filed with the Secretary of State on February 15, 1975, containing 47,383 signatures; that 479 petitions are in the form required by Article IV, Part Third, Section 18 and Section 20 of the Constitution and that said petitions contain the valid signatures of 43,647 electors.

The Committee further reports that it has conducted an investigation and held a public hearing relative to the validity and sufficiency of said petitions and the Committee found from the evidence and information which it received and considered during said investigation and hearing that, as aforesaid, 479 out of the 555 petitions filed are in the form required by the Constitution and that the 43,647 valid signatures contained in said petitions is a sufficient number of valid signatures to initiate said Bill before the Legislature under the provisions of Article IV, Part Third, Section 18 of the Constitution.

Which report was Read.

On motion by Senator Speers of

Kennebec, the report was accepted, and the petitions were Ordered Placed on File with the Secretary of State, the Bill, I. B. 1, referred to the Committee on Natural Resources, and 2,000 copies Ordered Printed.

Sent down for concurrence.

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules: Bill, "An Act to Authorize Municipalities to Regulate the Use of Snowmobiles within Municipal Limits." (S. P. 291) (L. D. 1016)

Ought to Pass — As Amended

Mr. Clifford for the Committee on Judiciary on, Bill, "An Act Relating to Motor Vehicle Certificates of Title." (S. P. 217) (L. D. 716)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-51).

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

Mr. Collins for the Committee on Judiciary on, Bill, "An Act to Change Limits under Small Claims Actions." (S. P. 207) (L. D. 697)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-52).

Which report was Read.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Create the Bureau of Community Antenna Television within the Public Utilities Commission." (S. P. 211) (L. D. 738)

Reported that the same Ought Not to Pass.

Signed:

Senator:

CYR of Aroostook

Representatives:

TARR of Bridgton
LUNT of Presque Isle
LITTLEFIELD of Hermon
BERRY of Buxton
GRAY of Rockland
SAUNDERS of Bethel
SPENCER of Standish
LEONARD of Woolwich

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

Signed:

Senators:

CUMMINGS of Penobscot
GREELEY of Waldo

Representatives:

KELLEHER of Bangor
NADEAU of Sanford

Which reports were Read.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: This bill is the result of a study that the Public Utilities Committee had last year. After we had had hearings throughout the state, with much input from the cable television owners and very little input from the consumers, we as a committee came out with a bill which was innocuous in that it really had no form

of regulation whatsoever of cable television.

I think that those of you who have any intimate connection with the cable companies will find that they are not making money hand over fist at the moment. However, cable television is an extremely complicated system and has the potential which I had no idea of until we did start studying it. It can enter the health field as far as really providing better health service to rural communities. Pretty soon it will be a two-way communication article. It will also be able to do things like helping in the educational field. In other words, actually its scope is much wider than those of us who right now consider it just another way of getting better entertainment. Because it is in its infancy, I think that perhaps now is the time to put on some minor regulations.

This bill is not a hard bill, it will not create any hardship on the cable television companies, and it will protect the small towns in making their franchises and in reviewing these franchises at regular intervals. It is my hope that you would accept the Minority Report Ought to Pass.

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

Mr. CYR: Mr. President and Members of the Senate: I hate to get up and oppose my minority leader and the assistant majority leader on this bill. However, I feel that you should know what is involved. I was a member of the interim committee which studied CATV, and the result of our studies was that all we would be adding would be a third tier to government regulations.

The procedure that CATV has to follow today is first of all, they have to apply to the FCC for a certificate of compliance before they receive a license to start a CATV business. The FCC has charge of all the technical regulations which go into the carrying on of the CATV program. All this bill would do would create a state agency to write some more regulations. They could not deal or they could not get involved in the technical end because that is the field of the FCC. Therefore, what are they going to do? You are going to create a bureau, you are going to give them authority to promulgate standards, rules and regulations. You are going to give them an office and they are going to sit down and promulgate. Well, I think we have seen enough of these programs. When they think that they promulgate, actually they think they are legislating because after they finish promulgating it becomes the law.

This bill asks for \$60,000. I didn't know that we were going to debate this this morning because I left my notes home. However, I think I remember enough of the information which was passed on to us. New York has a similar program. They have 42 people working in this bureau and they have a budget of \$1,500,000. They have got 100 systems in operation. We have here in the State of Maine 21 systems going right now with approximately 35,000 subscribers. The potential subscribers, we were told at these hearings, would be approximately 118,000 families in the State of Maine. So you can see if we were to use the experience of New York we would end up with a budget of about \$300,000.

They are asking for two personnel, two people, a director and an assistant director. I think probably the first one to look this over would be Ms. Aucoine Lunt, and she would possibly call up the press and say there is discrimination here going

on. So you would have to create another position to be able to give the girls an equal opportunity. So possibly the job that would be created, I would assume, would be a director of research.

Now, every one of these directors and assistant directors, you have to double them up. They have to have a secretary to answer the telephone when they are on coffee breaks. So already we have got six people. Then they would find out that now we are going to promulgate these standards. We don't know anything about it. So they are going to create an engineering department, equip them with all kinds of electronic equipment that costs thousands and thousands of dollars. Whenever they have a grievance or a complaint they would send their truck from their engineering department to test the signal, and possibly the answer that the customer would get back would be "the trouble is in your set," after it has cost the State of Maine thousands and thousands of dollars.

I can appreciate the intentions of the sponsors; they mean well, but some of the programs that they are talking about we can do with the system that we have today. I don't believe that we should add a third team here of regulation, which is what this would be all about. For that reason, I move indefinite postponement.

(Off Record Remarks)

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

Mr. CONLEY: Mr. President and Members of the Senate: I equally share my feelings with the good Senator from Aroostook, Senator Cyr, with the thought that I would have to get up and speak in opposition to his feelings, but I ask everyone of you sitting here this morning exactly what do you all know about community antenna television? I wouldn't be surprised if honestly most of us agree to the fact that we know very little or nothing at all.

I would like to just briefly inform the Senate as to how these franchises within the various communities come about. I am sure that the good Senator from Aroostook, Senator Cyr, sitting on a municipal body in that part of the state, and also his community having the luxury of community antenna television, is perhaps familiar with what I have to say. I would like to point out to the Senate that in no way do I have an ax to grind with CATV operators or various franchisers. In fact, I perhaps know as much about CATV as the fellow that know the least about it in the Senate. But I do know how certain things operate and I know that they are not really kosher.

I will give you a clearcut example of my community whereas I believe there were eight various CATV firms who applied for the franchise to hook up between Portland and South Portland. The moment that the municipal government of Portland was going to consider undertaking CATV within the community, all of a sudden it became widely apparent that practically every individual within the community, particularly for that portion in Portland, were the top ten numbers listed on the social register of the community who served as the board of directors representing the firm. And that would be so right down the line for the eight firms. In other words, all eight of them had the most prominent individuals around the community representing them as

members of the board. The same operation took place in the community of South Portland. In fact, we have some people in the legislature today, at least one person today in the other body, who served certainly in a capacity of being able to deal with the municipal body in South Portland to help them make up their minds as to what firm should be awarded the franchise.

Finally, when the decision had to be made in Portland, out of a nine member council three members had to abstain from voting because members of their firm were either engaged in or were members of the board of directors of these various firms. Secondly, that left three others who served on what we call the subcommittee of the council that became involved in the handling of this franchise. Then that left more or less a small majority of six to determine how this franchise was to be awarded.

As I say, I think the decision as made was a correct one, but it was only made after an order was passed through the Portland City Council to hire an outside consultant to come in and re-evaluate the several franchises that were before us for us to intelligently make a decision, and I can honestly say we had to base our good faith on the recommendation of the consultant, because there is absolutely no one on the local level who can understand the very technical and integral part of CATV.

Now when the good Senator from Aroostook, Senator Cyr, states that we don't want a third tier level of government, I can agree with him. But I think most people would be in disagreement if we were to take that decision making process away from the local government. So therefore, after having explained, as I say, and I am very sure of my thoughts, that no one on the local level really has too much knowledge on these things, but there has to be someone. I am not sure exactly what it costs the cities of South Portland and Portland to hire an outside consultant to evaluate the franchise and to write the ordinance, but it was a considerable amount of money.

The good Senator from Aroostook, Senator Cyr, points out that there is a \$60,000 appropriation on this bill. That is true, and it would help the committee set up under the Public Utilities Commission to be able to get into business. Thereafter there is one percent or a minimum of \$100 charged CATV firms throughout the state to pay for the operation of this commission. And in no way do I want to set up another bureaucracy of government, but I do think that the citizens of this state have to be protected when they are paying out of their own pockets for a community antenna television system that is not being properly executed.

Therefore, Mr. President and Members of the Senate, not wishing to belabor this legislation any longer, I can only tell you one of the representatives who appeared before the hearing of the PUC told me — in fact, he was sort of a district representative, he runs around six states — he told me he probably would be back in two years to support this legislation because the franchise situation is sort of out of the market now. Almost everybody has been netted or landed, or whatever you want to call it.

I want to leave you with one thought, that the rates that are set are generally set by the same municipal bodies at the request of the operator of the CATV firm. And it is not too difficult for someone who

has a business such as this to come in and plead poverty, pleading bankruptcy and lack of funds, to sway four or five or a majority of a municipal body to take pity on them and allow the increase to go. And once that increase goes, it is sort of like the domino theory and every community that is attached to it that is probably under a different operation or different firm falls right in line.

I think there has to be some regulation. I think that the Public Utilities Commission is the body that should oversee this, and I hope that the members of the Senate would support the Assistant Majority Floor Leader, the good Senator from Penobscot, Senator Cummings, in accepting the Minority Ought to Pass Report.

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

Mr. KATZ: Mr. President and Members of the Senate: I want to thank the distinguished Senator from Cumberland, Senator Conley, because I really didn't understand the controversy in Portland before. Augusta, of course, has a cable system and we haven't had the problems that he had.

As I understand the problems in Portland which leads to his support, the first thing that happened was that cable TV companies involved leading citizens of good repute, and then it went to the City Council and the City Council astutely avoided a conflict of interest by properly disqualifying themselves if they had a conflict.

The next thing that happened was that they decided to hire a technical expert to help them in the deliberations, and after that they made a decision which turned out, as I understand, to be the right thing and the right company. And local control led to a local decision by the City Council which was responsive to local needs and the rates are set locally.

Now that I understand the terrible problem that occurred in the City of Portland and how it was handled, I certainly will support the motion to indefinitely postpone.

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

Mr. CURTIS: Mr. President and Members of the Senate: I rise to support the motion to indefinitely postpone because I feel that this is an area somewhat similar to one in which the State Government Committee for a year has been studying, and that is the state telecommunication system.

Now, we didn't study cable television, but we did study the state's telecommunication system, and one of the proposals that was before us was to create a new bureau. We came to the conclusion that we ought to be able to handle the problems that existed without the creation of a new entity in state government. And I would hope that the same kind of thinking that transpired in the State Government Committee on a similar topic would also hold here, that until there is a real serious problem — and I don't think it has been justified at this point — that we ought not to go around creating more bureaus without thinking very carefully about all of the future problems that are going to come from that action.

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

Mr. CYR: Mr. President and Members of the Senate: First of all, let me say again that the FCC has charge of all the technical regulations and it overrides the

state. Now, the FCC is in the process of coming out with new regulations to stabilize this, and by March, 1977 all franchises, all contracts, will be void. Then the new contracts will have to include all of the technical regulations promulgated by the FCC. So whether or not you have a state bureau doing that, by March, 1977 it will be void, and if they are in contradiction with the FCC, they will just be voided, that's all.

It seems that the problems come with the question of franchises. It is true that some of the early franchises, some of the early contracts, didn't protect the consumer's interest enough. However, we suggested, this interim committee, we suggested that the MMA should come out with a model franchise, and I have it in this envelope here. Any community that wants to sign a franchise with any company can obtain from the MMA a model franchise. There are also many model franchises that are available through the CATV association. So I don't believe that we need to create a bureau to protect the local communities in regard to these franchises, because in these model franchises you have these safety features for the consumer.

Certainly I agree with the good Senator from Cumberland, Senator Conley, that the decision making should be at the local level. This is what I am fighting for. What he is saying, however, is that it should be here on the state level. If we take his own problem that he has had in Portland, for instance, how would they have handled the situation differently if they had had a CATV bureau? They would have just called them in for consultation, that's all. The decision was still with the Portland City Council. I think they have handled it properly, and most communities also have handled it properly.

To understand this you have to understand that the CATV carrier in some cases can plug into the local TV station. If the station is within a 35 mile limit from where you are, they can just rebroadcast the signals from these television stations. Now, in some cases you may have a mountain that is in between you and the station and you may not be able to get a proper signal in your own place. So this is where a lot of the complaints come from. The state wouldn't be able to do anything about that.

The other point I want to bring out is that a lot of the signals are carried by a microwave common carrier, and these microwave common carriers charge quite a tariff. So if you happen to be in a section where you cannot have these signals from the local station and you have to have a microwave carrier, it is going to cost you or it is going to cost the CATV system more to be able to deliver the signal to you. So it would be impossible, it would be impossible, to come out with a fair realistic one state rate. You would have to take into consideration every program and every problem that you might have in your own local area.

Well, if you have a bureau, and particularly a bureau within the PUC, the PUC in regulating rates go on the basis of fair return for the investment. Now, this system is in its infancy and in many cases they are losing money. It takes five, six, seven or eight years before they can start recovering their investment. So if this is going to be under the PUC, all they have to do is come in to the PUC and justify that they need a rate increase because they are not getting a good return on their

investment, and the PUC is going to give them a rate increase. So I think that instead of helping the situation we would complicate the situation.

I think probably that is all I have to say.

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

Mr. CONLEY: Mr. President and Members of the Senate: I believe you could ask any of the CATV operators throughout the state what kind of a job the FCC is doing with its regulating powers, and I am sure most of them would say that they are so bottled up that they don't have time to get any attention from them.

Seeing that the good Senator from Aroostook, Senator Cyr, seems to pose so much of his weight or support of this bill on the FCC, I would only ask him about the fact that if the government regulates the sale of milk for 50 percent of the dairy farmers in the state, is there a need to continue to have the Maine Milk Commission? I would ask for a division, Mr. President.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Aroostook, Senator Cyr, that this bill and all its accompanying papers, be indefinitely postponed. A division has been requested. Will all those Senators in favor of the indefinite postponement of L. D. 738 please rise in their places until counted? Will all those Senators opposed to the motion to indefinitely postpone please rise in their places until counted.

A division was had. 26 having voted in the affirmative, and four having voted in the negative, the motion prevailed.

Sent down for concurrence.

Second Readers

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

House

Resolve, Providing for Purchase of Copies of Town Histories. (H. P. 1381) (L. D. 1410)

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

Enactors

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

An Act to Establish County Commissioner Districts in Penobscot County. (H. P. 56) (L. D. 68)

An Act Relating to Education and Training under the Laws of Barbering. (H. P. 437) (L. D. 545)

An Act to Increase the Maximum Permitted Compensation of Directors of School Administrative Districts. (H. P. 570) (L. D. 706)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

An Act to Create a Nongeographic School Administrative Unit for the Bureau of Corrections. (H. P. 645) (L. D. 797)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

An Act Providing Funds for Payment to Residential Schools as an Alternative to Incarceration of Juvenile Offenders. (H. P. 655) (L. D. 809)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

An Act to Increase the Fee for Registration of Teachers. (H. P. 781) (L. D. 952)

Which, except for the tabled matters,

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

Emergency

An Act Relating to the Borrowing Capacity of School Administrative District No. 43. (H. P. 755) (L. D. 925)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

House Reports — from the Committee on Transportation — Bill, "An Act to Change Weights and Related Provisions for Commercial Vehicles." (H. P. 571) (L. D. 752) Majority Report — Ought to Pass in New Draft Under Same Title, (H. P. 1223) (L. D. 1211); Minority Report — Ought Not to Pass.

Tabled — April 2, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report. (In the House — Indefinitely Postponed.)

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for April 16, 1975, pending Acceptance of Either Committee Report.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act Appropriating Funds for State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm Control." (H. P. 560) (L. D. 689)

Tabled — April 7, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed. (In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-62).)

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

Mr. McNALLY: Mr. President and Members of the Senate: After a meeting this morning with Mr. Holt from the Forestry Department and Mr. Halperin from the Taxation Department, a very satisfactory solution was resolved and there is no amendment needed. So this bill can go merrily on its way.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be passed to be engrossed?

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

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, "An Act to Authorize Bond Issue in the Amount of \$6,500,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine." (H. P. 1061) (L. D. 1341)

Tabled — April 8, 1975 by Senator Katz of Kennebec.

Pending — Consideration. (In the House — Referred to the Committee on Appropriations and Financial Affairs.)

(In the Senate — Referred to the Committee on Education, in non-concurrence.)

(Comes from the House, that Body having Insisted.)

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

Mr. KATZ: Mr. President and Members of the Senate: I certainly am not going to pursue the question I raised here the other day, but I would like to explain why I raised it.

Rule 16 of the Joint Rules very clearly indicates that when legislation has money attached to it, first, it shall go to the appropriate committee, and then subsequently, before engrossment, the fiscal questions that are raised are looked at by the Committee on Appropriations. That is what our Joint Rules say, but you would never know it by the way we refer our bills.

I guess sometimes we fight a battle to strengthen the committee system, and the committee system needs strengthening. For example, the other day I sat quietly while a bill to create a veterans home went to Appropriations. The question as to whether we need a veterans home really should be decided by Veterans and Retirement, and then let's take a look at whether we can find the money to do it.

But I certainly do not wish to jeopardize the future of this bill by getting into a dispute with the other body, so I move that the Senate recede and concur with the House.

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

Mr. SPEERS: Mr. President and Members of the Senate: By way of clarification, I certainly wouldn't want the record to show that perhaps the Joint Rules of the Legislature were not being followed in this session, and I would like to clarify what Joint Rule 16 does say, and that is, "Upon the receipt of any bill, resolve or order involving the appropriation or expenditure of money by one of the other committees, that committee shall transmit a copy thereof carrying an endorsement of reference to the Committee on Appropriations and Financial Affairs for its information." It does not mean the bill itself necessarily goes to that committee, but it is a matter of providing that committee with the information necessary for that committee to know exactly what bills there are flying around in the legislative process having to do with appropriating money or some effect on our revenues.

Now, the good Senator from Kennebec, Senator Katz, early in the session suggested that the Committee on Reference of Bills and that the two bodies do follow a procedure, a policy of referring bills to the various committees of expertise in a particular matter to determine policy, and only after that matter should the bills then be sent to the Committee on Appropriations and Financial Affairs for their consideration, or the question of money to that committee for their consideration. We have tried very hard to follow this recommendation, as all recommendations and as all questions of policy, and they are not always followed to the letter and not always followed in every case. The Senate had referred this matter to the Committee on Education, following this policy. The other branch, however, did not see fit to follow it and apparently feels rather strongly about it, and the good Senator has referred to the reason why he now wishes to recede and concur. But I did wish to clarify the question of the Joint Rules.

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

Mr. BERRY: Mr. President and Members of the Senate: I am a little bit disturbed because the Senate is being requested to take some action apparently under the threat of disagreement with the other body, and in looking over the bill, I think we have some pretty big figures here. The university hasn't been engaged in too much construction lately, and the bill provides for three facilities to be constructed: a building at Portland-Gorham for \$900,000, a building at Farmington for \$3,200,000, and a building at Augusta for \$2,400,000. It seems to me that we are committing quite a lot of money to three campuses. I have been historically very much opposed to the legislature taking too much action, from a parochial standpoint, on siting the facilities, particularly since this super-university came into effect and is doing a good job.

There is something here that I don't think is really in the spirit of debate, interchange of ideas. I think Senator Katz's position that his committee should be having a little input here on the area of priorities is a very good one. I am a little surprised that Orono, the main effort of the university, is not mentioned here. Accordingly, I would think that a motion to insist and request a committee of conference is very much in order, and I make it.

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

Mr. KATZ: Mr. President and Members of the Senate: This conflict, this difference of opinion, is not new. It has extended for a long time. I just have a feeling to the University of Maine and to the sponsor of the legislation that the two houses do not get into a hassle. I have made commitments on that basis, so with a heavy heart I will let my motion stand to recede and concur.

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

Mr. BERRY: Mr. President and Members of the Senate: I can understand very well Senator Katz's heavy heartedness when we have involved here a \$2,400,000 building for his community. My concern is a little bit broader than that. What are the other priorities in the university-wide system?

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

Mr. KATZ: Mr. President, as a point of clarification, my personal opinion is that this bond issue has no chance at all of passage in this legislature. So whether there is a building for the University of Maine at Augusta incorporated in it is a delightful exercise in academia.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede and concur. Is this the pleasure of the Senate?

Thereupon, the Senate voted to Recede and Concur.

(Off Record Remarks)

The President laid before the Senate the fourth tabled and Specially Assigned matter:

Bill, "An Act to Establish the Electric Facility Siting Act." (S. P. 483)

Tabled — April 8, 1975 by Senator Merrill of Cumberland.

Pending — Motion of Senator Trotzky of

Penobscot to Refer to the Committee on Public Utilities.

(The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Natural Resources.)

Mr. Trotzky of Penobscot withdrew his motion that the Bill be referred to the Committee on Public Utilities.

Thereupon, on motion by the same Senator, the Bill was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

The President laid before the Senate the fifth tabled and Specially Assigned matter:

Bill, "An Act Relating to Pulmonary and Cardiac Diseases under the Workmen's Compensation Act." (H. P. 230) (L. D. 286)

Tabled — April 8, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-85).)

(In the Senate — Senate Amendment "B" (S-47) as amended by Senate Amendment "A" thereto (S-49), Adopted.)

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: Apparently this bill, as was called by the MMA a sleeper, has turned out to be just that. Several of the members of this body have had communications from just recently aware towns that they are not for this. I would appreciate it if you would take the time to read the amendment, Senate Amendment 53, which I would like to present tomorrow if someone would be kind enough to table this for one day please.

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

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

Reconsidered Matter

On motion by Mr. Corson of Somerset, the Senate voted to reconsider its prior action whereby the following bills were referred to the Committee on Legal Affairs and Ordered Printed in concurrence:

Bill, "An Act to Clarify and Amend Municipal Home Rule Ordinance Powers." (H. P. 1195) (L. D. 1491)

Bill, "An Act to Provide for the Appointment or Election of a Fire Chief in Each Municipality." (H. P. 1206) (L. D. 1499)

On further motion by the same Senator, referred to the Committee on Local and County Government in non-concurrence and Order Printed.

Sent down for concurrence.

(Off Record Remarks)

The PRESIDENT: The Chair would appoint to the Special Committee for the study of the State Personnel System the Senator from Penobscot, Senator Curtis, and the Senator from Somerset, Senator Cianchette.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.