

# 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 16, 1975

Senate called to order by the President.  
Prayer by Dr. Douglas V. Young of the Church of Universal Fellowship of Orono:

Let us pray. O Gracious, Heavenly Father, by whose guidance alone we think right things and follow straight paths, grant that we may more fully realize our responsibilities as citizens so that all may work together with one heart and mind for the common good to Thy glory and the well-being of the whole nation. Now do Thou guide the deliberations and counsels of this assembly, that its decisions may be right and wise and in accord with Thy will, through Jesus Christ, our Lord. Amen.

The PRESIDENT: The Chair is very pleased to welcome this morning in the rear of the chamber a group of young people from the University of Maine, the University Singers, who are guests of the Senator from Penobscot, Senator Curtis. Their director is James Getty, and they are going to sing the National Anthem for us this morning.

Thereupon, the National Anthem was sung by the University Singers.

Reading of the Journal of yesterday.

## Papers from the House

## Non-concurrent Matter

Bill, "An Act to Establish the Electric Facility Siting Act." (S. P. 483) (L. D. 1675)

In the Senate April 9, 1975, referred to the Committee on Natural Resources and Ordered Printed.

Comes from the House, referred to the Committee on Energy, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

## Non-concurrent Matter

Bill, "An Act to Establish Statutory Provisions for a Wholesale Seafood Dealer's and Processor's License." (H. P. 1341) (L. D. 1622)

In the House April 2, 1975, referred to the Committee on Marine Resources and Ordered Printed.

In the Senate April 14, 1975, referred to the Committee on Business Legislation and Ordered Printed, in non-concurrence.

Comes from the House, that Body having Insisted.

Thereupon, on motion by Mr. Carbonneau of Androscoggin, the Senate voted to Recede and Concur.

## Non-concurrent Matter

Bill, "An Act to Establish Statutory Provisions for a Retail Seafood Dealer's License." (H. P. 1340) (L. D. 1621)

In the House April 2, 1975, referred to the Committee on Marine Resources and Ordered Printed.

In the Senate April 14, 1975, referred to the Committee on Business Legislation and Ordered Printed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Carbonneau of Androscoggin, the Senate voted to Recede and Concur.

## Non-concurrent Matter

Bill, "An Act Relating to Leasing and Selling of Property Taken or Acquired for Highway Purposes." (S. P. 310) (L. D. 1058)

In the Senate April 11, 1975, the Majority report Read and Accepted and the Bill Passed to be Engrossed.

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

On motion by Mr. Cianchette of Somerset, the Senate voted to Insist.

## Non-concurrent Matter

Bill, "An Act Exempting Certain Energy-Conserving Building Construction Materials from Taxation." (S. P. 461) (L. D. 1514)

In the Senate April 7, 1975, referred to the Committee on Energy and Ordered Printed.

Comes from the House, referred to the Committee on Taxation and Ordered Printed, in non-concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to Insist.

## Non-concurrent Matter

Bill, "An Act Concerning Employment in the Department of Mental Health and Corrections." (H. P. 476) (L. D. 596)

In the House April 9, 1975, the Minority report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-155).

In the Senate April 14, 1975, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

On motion by Mr. Speers of Kennebec tabled and Tomorrow Assigned, pending Consideration.

## Non-concurrent Matter

Bill, "An Act Exempting Solar or Wind Power Facilities from Sales Tax." (S. P. 56) (L. D. 125)

In the Senate April 11, 1975, the Committee of Conference Report Read and Accepted.

Comes from the House, the Committee of Conference Report Rejected, in non-concurrence.

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

Mr. HUBER: Mr. President, at the risk of delaying this legislature, I would like to move that we insist and ask for a second committee of conference, and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. HUBER: Mr. President and Members of the Senate: This is one of the few things we can do in our present fiscal situation in terms of the energy situation we are now facing and will face for the future. I myself have had other energy bills which would entail considerably more spending than these, and I have not presented them simply in recognition of the financial situation we are currently facing.

I hope that in prolonging this piece of legislation concerning solar and wind power facilities, exempting them from the sales tax, that we can at least show some concern, some realization, that we are facing a serious natural resource problem, will face this problem indefinitely into the future, and will act somewhat responsibly. Thank you.

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

Mr. BERRY: Mr. President and Members of the Senate: I am not totally

swayed by the logic of the previous speaker. As has been quite well said in the debate today and in the previous session, this is a small step in the right direction. I think that we are paying lip service to our energy problems if we can't do something as simple as this, and I hope we would support the motion of the Senator from Cumberland, Senator Huber.

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

Mr. SPEERS: Mr. President, I request a roll call.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Huber, that the Senate insist and request a second committee of conference. A roll call has been requested. In order for the Chair to order a roll call, it must have the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Huber, that the Senate insist and request a second committee of conference.

The Secretary will call the roll.

## ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, Marcotte, McNally, Reeves, Roberts, Speers, Thomas, Trotzky and Wyman.

NAYS: Senators Danton, Graham, Merrill, O'Leary and Pray.

ABSENT: Senator Johnston.

A roll call was had. 26 Senators having voted in the affirmative, and five Senators having voted in the negative, with one Senator being absent, the motion prevailed.

## Joint Order

## STATE OF MAINE

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Patriots

of Gray-New Gloucester High School State Class 'C' Basketball Champions For The Academic Year 1975

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1497)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

## Joint Order

Whereas, the Members of the 107th Maine Legislature have conscientiously

and faithfully discharged the public trust; and

Whereas, the laws of Maine are but silent monuments of the characters and abilities of those notable figures who formed and enacted them; and

Whereas, it is only fitting that those who have so shaped the course of the future be suitably honored in the setting of their past accomplishments; now, therefore, be it

Ordered, the Senate concurring, that Wednesday, April 30, 1975, be set apart and designated as "Welcome Back Day" at the Legislature and that a special legislative committee composed of 3 members chosen by the President of the Senate and 10 members chosen by the Speaker of the House be named, who are hereby authorized and instructed to further such plans and arrangements suitable for a homecoming; and be it further

Ordered, that all former presiding officers of the House and Senate and all former officers of the House and Senate are hereby extended a cordial invitation to be guests of the 107th Legislature in session on that date; and be it further

Ordered, that each individual member of the 107th Legislature be charged with the duty of urging all colleagues of former Legislatures within their districts to make every effort to return on "Welcome Back Day" and share the friendship and pleasant memories of our great heritage. (H. P. 1496)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### House Papers

Bills, Resolves and Resolutions today received from the House requiring Reference to committees were acted upon in concurrence, except for the following:

Bill, "An Act to Clarify the Location of Certain Islands as being within the Territorial Limits of the Town of Deer Isle." (H. P. 1374) (L. D. 1774)

The Committee on Reference of Bills suggested that this Bill be referred to the Committee on Local and County Government.

Comes from the House referred to the Committee on Legal Affairs and Ordered Printed.

On motion by Mr. Corson of Somerset, referred to the Committee on Local and County Government in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair would ask the Sergeant-at-Arms to escort the Majority Floor Leader to the rostrum.

Thereupon, the Sergeant-at-Arms escorted Mr. Speers of Kennebec to the rostrum where he assumed the duties of President pro tem, and President Sewall was escorted by the Sergeant-at-Arms to the seat assigned Senator Speers on the floor of the Senate Chamber.

Mr. Sewall of Penobscot was granted unanimous consent to address the Senate.

Mr. SEWALL: Mr. President and Members of the Senate: It is with extreme pleasure that I come down from the rostrum to announce to the Senate that one of its members has just been nominated by the Governor to serve in a very important position in State Government, and I refer to the appointment a few minutes ago by Governor Longley of the Senator from Penobscot, Senator Cummings, to serve as Chairman of the Public Utilities Commission. I thought that Senator Cummings should know how proud that we

all are of her record. Certainly, speaking as an individual, and I am sure I reflect the thinking of everyone in this chamber, she has demonstrated her fairness and her attribute of hard work. I am sure she will be a very good Chairman and a very productive member of the Public Utilities Commission. I hope the Senate would rise and join me in giving her a round of applause. (Applause, the Members rising.)

At this point the Sergeant-At-Arms escorted the President to the rostrum where he assumed his duties as President of the Senate, and the Sergeant-at-Arms then escorted Senator Speers to his assigned seat on the floor of the Senate Chamber.

#### Senate Papers

Mr. Conley of Cumberland (Cosponsor: Mr. Gahagan of Aroostook) presented, Bill, "An Act to Create a Commission to Revise the Laws Relating to Medical and Hospital Malpractice Insurance." (S. P. 494)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10)

The Committee on Reference of Bills suggested that this Bill be referred to the Committee on Health and Institutional Services.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I just wondered about the reference to the Committee on Health and Institutional Services. It seems to me that since it does go to malpractice insurance, and related to this I think, naturally and of necessity, would be the liability of medical people, and I wondered if the Reference of Bills Committee had carefully considered the reference and whether or not the Committee on Judiciary might have been more appropriate.

I don't mean to delay this, but I know there has been a serious problem in this state concerning malpractice insurance rates, but it seems to me the answer to that, of necessity, lies in the standard of liability imposed upon the medical people, and I wonder if the Reference of Bills Committee had considered the Committee on Judiciary. Thank you, Mr. President.

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

Mr. SPEERS: Mr. President, I am rather surprised at the possible suggestion of the good Senator from Androscoggin, Senator Clifford, that perhaps the Reference of Bills Committee does not consider very carefully every bill that comes before that committee.

I must admit that the reference of this particular bill to the Committee on Judiciary is one that I personally had not considered, and I don't believe that the Committee on Reference of Bills has considered.

I think if you look at this particular bill to create a commission relating to the laws on these subject matters, two other committees besides Health and Institutional Services come to mind: one would be State Government, and another would be Business Legislation, since it has to do with the insurance laws. Quite often there are any number of bills that come before us that could be deferred to logically any one of several committees.

The other aspect that the Committee on Reference of Bills does take into

consideration is the number of bills before the various other committees, and I would submit that the Committee on Judiciary, the Committee on State Government, and the Committee on Business Legislation all have a very heavy work load, so I believe that this adequately and justly could go to the Committee on Health and Institutional Services, and would so urge.

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

Mr. CONLEY: Mr. President and Members of the Senate: The good Senator from Androscoggin, Senator Clifford, has made a valid point, but as the good Senator, the Majority Floor Leader, Senator Speers, has stated, several committees were considered relative to this particular bill:

I would again just call to the attention of the Senate that all it does is establish a commission, and the commission would very well be represented by a member of the Supreme Court, as well as one member of this body and a member of the House, plus members from the medical profession, and I think that the Health and Institutional Services Committee would be an excellent committee to have the public hearing on it.

And any time any member of the bar wanted to make some sort of a presentation, certainly their presentation would be observed without any partiality. So I hope the Senate would move this bill along to the Health and Institutional Services Committee.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be referred to the Committee on Health and Institutional Services?

Therefore, the Bill was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

#### Committee Reports

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:

Resolve, to Reimburse the Town of Plymouth for Welfare Expenditures. (H. P. 878) (L. D. 1052)

#### Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Staff for the Regulation of Pre-School Facilities." (H. P. 866) (L. D. 1075)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Continue Providing Aid to Charitable Institutions." (H. P. 822) (L. D. 1006)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Increase Per Diem Allowances for Members of the State Board of Arbitration and Conciliation." (H. P. 818) (L. D. 1003)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Southern Maine Vocational-Technical Institute so that the Present Student Enrollment will not have to be Reduced." (H. P. 535) (L. D. 652)

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 Taxation on, Bill, "An Act to Exempt Nonprofit Health Care Corporations from Sales Tax on Medical Supplies and Equipment Donated to Patients." (H. P. 74) (L. D. 86)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act to Simplify the Computation of Tree Growth Reimbursement." (H. P. 244) (L. D. 298)

Reported that the same Ought to Pass.

The Committee on Taxation on, Resolve, Authorizing the State Director of Property Taxation to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory. (H. P. 241) (L. D. 296)

Reported that the same Ought to Pass.

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

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

#### Ought to Pass - As Amended

The Committee on State Government on, Resolve, Confirming the Transfer of Certain Lands from the Department of Mental Health and Corrections to the Department of Conservation, Bureau of Public Lands. (H. P. 843) (L. D. 1028)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-157).

Comes 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.

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

Mr. KATZ: Mr. President, this bill establishes a whole new procedure for handling certain lands which are surplus to our current use, public lands, in the built-up areas of the state. Might I inquire through the Chair of anyone from the Committee as to some general statements on how these lands will now be managed?

The PRESIDENT: The Senator from Kennebec, Senator Katz, now poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: At the public hearing, the Director of the Bureau of Public Lands testified before us, Mr. Barringer, and he explained to us, as well as representatives from the various state agencies which would be in a way losing control of those lands, that some of the extra land around state institutions is not used by the state institutions, particularly by the Department of Mental Health and Corrections, and it would be more appropriate if the Bureau of Public Lands were able to establish a standard set policy for all of the lands under its jurisdiction, in the hopes that some of these lands could be returned to common management for farming, for multiple use for the forestry areas, so the lands could be productive.

There would be no loss to the state of any lands. There might be some slight increase in revenues from the sale of products which would be grown on the lands.

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

Mr. HICHENS: Mr. President, I would

ask a question through the Chair of anyone who wishes to answer, as to whether this gives the Bureau of Public Lands the right to sell any of these lands to private individuals.

The PRESIDENT: The Senator from York, Senator Hichens, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: I am very pleased that question was asked, because it is the same question that the State Government Committee asked, and we went into some depth in trying to arrive at an answer. We are certain that we arrived at a definite answer that there is no sale permitted and that there is no authority for an easement of any permanency beyond, I believe, one year for use of those lands in any way that can be transmitted or conveyed by the Bureau of Public Lands by itself without prior legislative approval.

Mr. President, I would like to point out to the Senators that we had a slight difference of opinion with some of the people who administer the Bureau of Public Lands, and I am certain now that we have rectified that question as a result of what I have just mentioned, that the legislature has once again restated its intent and prerogatives, and I am thoroughly convinced that nobody is going to try to transmit any of those lands without our prior approval.

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

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

#### Ought to Pass in New Draft

The Committee on Human Resources on, Bill, "An Act Relating to Mandatory Reporting of Child Abuse or Neglect." (H. P. 153) (L. D. 201)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1488) (L. D. 1680).

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-161).

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

Mr. Berry of Androscoggin then moved that House Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: This amendment replaces the word "believe" with the word "suspect", and I would offer a short argument along with a letter from the Federal Health and Welfare, which is signed by Mr. Rheable Edwards, Assistant Regional Director of Human Development, and that is that the word "suspect", in their definition, is to imagine one guilty without proof. I would rest my argument.

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

Mr. CONLEY: Mr. President, I rise to oppose the motion of the Senator from Androscoggin, Senator Berry, because I believe that the amendment is a correct amendment and it should stay on the bill.

I think one of the most important

commodities within this state is the children of Maine citizens, and also, being a parent of twelve of them, I know a great deal about them, although that probably has no relation to this particular amendment. But I do believe that in some of the dealings and workings that I have had, both as a municipal officer and also working in some social service areas, that I have seen tremendous abuse done to some of our young children in this state. And I don't think there is any more horrendous crime than to see some poor defenseless youngster, unable to defend himself, and many times unable to even speak for himself, be abused.

I know in the area of day care centers that sometimes children are brought to these centers, and there is a suspicion that always arises in the minds of some of those who are authorized to administer these programs, and sometimes there is a great deal of sadness in their hearts, because of the conditions that existed with some of the children that have been brought there. And I think that this amendment being attached to the bill would give us the sole satisfaction to know that at least with this one word change we could all sleep very comfortably, at least knowing that if we were suspect of this that it could be reported and someone would look into it.

So I hope the Senate would adopt House Amendment "A", and I would ask for a roll call.

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

Mr. BERRY: Mr. President, I have just been handed a short paraphrase here that I would like to read to the Senate. "There is a chance that the question of legislation interpretation can be raised, which could have been easily avoided. It is, therefore, our recommendation that the legislature not amend the word "suspect" to replace it with the word "believe".

I agree with the Senator from Cumberland, Senator Conley, as to the fact that our primary interest is in the welfare of the children of the State of Maine, but I don't think that the word "suspect", as interpreted by the Department of Health and Welfare on the federal level, is what we are really looking for. This would mean that if my child, for instance, fell down and had a black eye, and one of my neighbors perhaps of which I wasn't his fondest neighbor could throw a lot of undue accusations just for the reason that he suspects. I just don't think that this is a proper wording that is going to bring about any better protection for the child or his rights, and I think we really should insist that the word "believe" remain in this piece of legislation.

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

Mr. PRAY: Mr. President and Members of the Senate: I would like to point out that you should have received a letter this morning of an opinion from the Attorney General, Joseph Brennan, and I would like to just read part of that, starting with paragraph 2:

"As was stated in a letter dated March 5, we recommended that the legislature retain the word 'suspect', rather than replace it by an amendment with the word 'believe'. Our reasons for that are as follows: Federal legislation on this subject utilizes the language 'known or suspected'. The word 'suspect' has been interpreted by the courts as having more meaning than merely somebody's imagination."

Now, I will go over to the third one on the second page. "We understand the Federal Government ruled April 14, 1975 that 22 M.R.S.A. subsection 3853, line 5, had to be amended by deleting 'believes' and replaced with the term 'suspect'. This bill amending that law would produce the same results.

"For the three reasons given above, we continue to recommend that the legislature utilize the word 'suspect' in L. D. 201."

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

Mr. KATZ: Mr. President, it is not generally known, but I am also chairman of another committee besides Education, and this is it. This is a bill I was looking forward to for a long time. I have been involved in it for several years. It came actually to me out of the Education Commission of the States.

When the bill surfaced it was in a horrible condition. For example, the original bill which the committee dealt with said, in effect, that if you were a physician and if you failed to report your suspicions of child abuse, and subsequently the child were injured by further abuse, that you would be subject to civil suit for damages for the tragedy which occurred to the child subsequently. This was the proposal put forward by the proponents originally. And the job of the committee was to try to enact emergency legislation in a timely manner that was reasonable legislation that would reasonably accomplish that which is the responsibility we have in front of us.

Now, we have got into the question of semantics, and I really, really don't give a darn about the semantics of "believe" and "suspect". When a kid is beaten up, it should be obvious that the kid has been abused. But the feds started getting into the act. First we got a letter from the regional office in Boston saying they preferred "suspect", but very clearly indicating that they did not demand "suspect". Then we got a telegram and another letter from the feds. I understand that in the press there is a feeling that this is an issue between the lobby and the Maine Legislature. I would suggest to you that the issue is between a couple of bureaucrats sitting behind desks anonymously in Boston trying to tell Maine what to do.

Now, as Chairman of Education, I have been trying to get word out of the feds for four years on a single question of the federally impacted area for education, and at the moment we still don't know what they expect of us. And I suspect it is going to be a long time before we find out.

I guess what I am saying here today is, you know, a pox on both of these questions. My motivation as Chairman is to get progressive legislation on the books that will reasonably improve our posture to deal with child abuse. This is emergency legislation. And in the process of not accepting the amendment the House has put on, the committee said — and it was a divided opinion within the committee — that we had to recognize sincere differences of opinion, particularly in the medical profession, as to what the ultimate criminal actions against physicians might be. You can take all the shadows away from it, and that is the issue here.

For that reason, I am going to vote for the indefinite postponement of this amendment, and hope that this legislature independently can enact emergency

legislation. And I suspect and believe that either posture, without regard to this plethora of letters from regional offices and telegrams, I suspect that we probably will be in compliance, if they ever do take definitive action.

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

Mr. SPEERS: Mr. President and Members of the Senate: The good Senator from Kennebec, Senator Katz, has partially answered a question I was about to ask, and that is whether or not anyone has actually received a definitive ruling from the Federal Government as to the requirement of the word "Believe" or the word "suspect" in this act in order to be eligible for the federal funds that are apparently available for this purpose.

We have on our desks this morning, which was distributed sometime earlier, a sheet of paper that is not signed. There is not even an indication as to the Senator that desired to have this paper distributed, which I understand is a part of the rules of this body. This sheet of paper stated that the Federal Government ruled that the word "believe" has to be changed to "suspect", that this is necessary. Now, someone — and I say someone because this is not signed, nor has it been indicated pursuant to whose request this has been distributed — someone is telling this body that they have to change the word "believe" to the word "suspect", and I object very strenuously to sitting here and being told anonymously what we have to do. I have seen no indication, I have seen no letter, and no one has told me there is such a letter, that the Federal Government has given to anyone in the State of Maine stating definitely that unless the word "believe" is changed to the word "suspect" all of the funds will be cut off. If there is such a letter, or if anyone knows of such a letter, I hope that he will surface.

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

Mr. KATZ: Mr. President, as I indicated, I do have a copy of a telegram here from the regional office in Boston, which telegram was received by telephone from a Neal Fallon in HEW in Boston, indicating that the use of "suspect" would jeopardize our funding, and I have that in writing. The thrust of my remarks is, you know, good luck. Here is a man sitting in Boston with sixteen bosses, all of whom have review power over his decisions, and I just don't feel that if Maine passes the law in its committee form, which is an excellent law, that the feds are going to do anything but agree that we have moved into compliance with federal law.

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

Mr. CONLEY: Mr. President, I am not really concerned about any letter from a Mr. Fallon in Boston. I could care less. I could care less about the lobbyist who has been lobbying this bill to get the word struck out, of which we are well aware. I personally consider, as a member of this Senate, that the word "suspect" is the most important word within the bill, and if we are going to protect Maine children, then the amendment should be adopted.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: I am a latecomer to this controversy, having only last night been asked to look at these words.

As I studied the bill, I was disturbed by

two things. The first is that the bill contains a penalty provision, a fine of up to 1,000 or imprisonment for not more than six months, so that it becomes an act with criminal implications. At the same time it includes a section entitled "Immunity from Liability", which says that anyone that reports these suspicions becomes immune from both criminal and civil liability. You can see immediately how the immunity section may cause busybodies to stir up trouble.

On the other hand, I am very much in favor of greater reporting of child abuse situations than exist today. So you can see that I am rather torn between two arguments here.

As I try to resolve this in my own mind, I see the basic problem between the word "believe" and the word "suspect" as being a public relations problem, an education problem, among our professionals, particularly our doctors and our educators. We know that there is growing gun shyness, as I call it, among professionals who get sued for trying to do their duty as they see it; teachers, doctors, osteopathic physicians, and others, and we are concerned in this legislature about this problem in a number of ways: the good samaritan bills, the immunity bills on behalf of state employees, the various matters relating to insurance for malpractice, for negligence on the part of state employees. These are all related matters.

I think that the question of jeopardy under the federal statute is important. I believe there is close to \$600,000 of federal money potentially riding on some bureaucratic decision. If I were assured that the decision would go as Senator Katz hopes it will go. I would certainly be with Senator Katz. I think that this is still a very gray area.

I would support the amendment placed on this by the other body if we were able to strip from the penal section the threat of imprisonment and possibly to reduce the amount of the fine. I certainly do not want to make the professionals more timorous than they are in either direction. We have to have some confidence in our professionals.

So I think that I come down with the position that in its present posture, if amended, I would have to vote against it. If it would be changed to strip away some of this criminal punch, then I think I could support even the word "suspect".

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

Mr. KATZ: Mr. President, I would like to apologize to the Senate. I thought I said one thing and I said another. I am reminded of the newspaper that ran an article talking about a defective on the police force, and next day they ran an apology and said what they meant, of course, was that he was a detective on the police force. Well, when I was reporting to the Senate the substance of the telegram in front of me, it was the word "believe" that was offensive to the feds.

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

Mr. GRAHAM: Mr. President and Members of the Senate: This debate is taking place simply over whether we should use the words "reason to believe" or "reason to suspect", and we have an opinion of the Attorney General that the word "suspect" is preferable.

I have a letter here from the Committee on Children and Youth, signed by the



Chairperson Maralyn Schoenberger, and may I quote from that: "More importantly, it is our understanding that the General Counsel of the Social Rehabilitative Services arm of the Federal Government informed our State Health and Welfare Department last Friday that L.D. 1680 would not be in compliance if passed without this crucial amendment."

And let me remind you that if this bill is not in conformity with federal statutes we could lose \$527,000.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Androscoggin, Senator Berry, that Huse Amendment "A" be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed consent of more than one-fifth of those Senators present and voting.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Androscoggin that House Amendment "A" be Indefinitely Postponed.

**Divided Report**

The Majority of the Committee on Taxation on, Bill, "An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers." (H. P. 480) (L. D. 599)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington  
JACKSON of Cumberland

Representatives:

MORTON of Farmington  
MAXWELL of Jay  
TWITCHELL of Norway  
SUSI of Pittsfield  
FINEMORE of Bridgewater  
IMONNEN of W. Paris  
COX of Brewer  
MULKERN of Portland

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

Signed:

Senator:

MERRILL of Cumberland

Representatives:

DAM of Skowhegan  
DRIGOTAS of Auburn

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

Which reports were Read.

Thereupon, on motion by Mr. Wyman of Washington, tabled and Specially Assigned for April 18, 1975, pending acceptance of Either Report.

**Divided Report**

The Majority of the Committee on State Government on, Bill, "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel." (H. P. 398) (L. D. 487)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs" (H. P. 1491) (L. D. 1739)

Signed:

Senators:

CURTIS of Penobscot

WYMAN of Washington  
GRAHAM of Cumberland

Representatives:

KANY of Waterville  
PELOSI of Portland  
FARNHAM of Hampden  
QUINN of Gorham  
LEWIN of Augusta  
SNOWE of Auburn  
STUBBS of Hallowell  
COONEY of Sabattus  
WAGNER of Orono

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

Signed:

Representative:

CARPENTER of Houlton

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.

**Divided Report**

The Majority of the Committee on State Government on, Bill, "An Act to Send to the People in a Special Advisory Election the Question of whether or not the Maine Legislature Shall Repeal its Ratification of the So-called "Equal Rights Amendment". (H. P. 851) (L. D. 1040)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CURTIS of Penobscot  
GRAHAM of Cumberland

Representatives:

QUINN of Gorham  
PELOSI of Portland  
WAGNER of Orono  
SNOWE of Auburn  
FARNHAM of Hampden  
KANY of Waterville  
CARPENTER of Houlton  
COONEY of Sabattus

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

Signed:

Senator:

WYMAN of Washington

Representatives:

STUBBS of Hallowell  
LEWIN of Augusta

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**

**Leave to Withdraw**

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act to Prohibit Coordination Benefits under any Group Health Insurance Policy." (S. P. 65) (L. D. 182)

Reported that the same be granted Leave to Withdraw.

Mr. Trotzky for the Committee on Natural Resources on, Bill, "An Act to Require the Consideration of Economic Factors in the Location of Developments under the Site Location of Development Act." (S. P. 246) (L. D. 828)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted. Sent down for concurrence.

**Ought to Pass**

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act to Increase the Amount of Employee Life Insurance." (S. P. 377) (L. D. 1228)

Reported that the same Ought to Pass.

Mr. Johnston for the Committee on Business Legislation on, Bill, "An Act to Increase the Amount of Dependent's Coverage for Group Life Insurance." (S. P. 378) (L. D. 1229)

Reported that the same Ought to Pass.

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

**Ought to Pass — As Amended**

Mr. Reeves for the Committee on Business Legislation on, Bill, "An Act to Require the Bureau of Purchases to Publish a Manual on State Purchasing." (S. P. 323) (L. D. 1100)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-60).

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. Graffam for the Committee on Liquor Control on, Bill, "An Act Relating to Special Agency Stores." (S. P. 290) (L. D. 1015)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-59).

Which report was Read.

Thereupon, on motion by Mr. Hichens of York, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act Relating to the Registration and Practice of Professional Engineering." (S. P. 112) (L. D. 377)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-61).

Which report was Read.

Thereupon, on motion by Mr. Reeves of Kennebec, tabled and Specially Assigned for April 18, 1975, pending Acceptance of the Committee Report.

**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act to Remove Certain Provisions in the Motor Vehicle Statutes Concerning Unnecessary Tire and Brake Noises." (S. P. 100) (L. D. 378)

ask leave to report: that they are unable to agree.

On the part of the Senate:

GREELEY of Waldo  
MERRILL of Cumberland  
CLIFFORD of Androscoggin

On the part of the House:

GAUTHIER of Sanford  
BENNETT of Caribou  
MISKAVAGE of Augusta

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

**Second Readers**

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

**House**

Bill, "An Act to Repeal Reference to Dairy and Farm Products of Institutions within the Department of Mental Health and Corrections." (H. P. 514) (L. D. 632)

Bill, "An Act to Eliminate the Position of Farm Supervisor of the Department of Mental Health and Corrections." (H. P. 516) (L. D. 634)

Bill, "An Act Relating to Sale of Stuffed Toys." (H. P. 669) (L. D. 843)

Bill, "An Act Providing for a State Developmental Disabilities Planning and Advisory Council." (H. P. 871) (L. D. 1077)

Bill, "An Act to Require the Executive Council to Inform the Governor and the Legislature of its Activities." (H. P. 1483) (L. D. 1620)

Bill, "An Act Amending Certain Laws Relating to Games of Chance." (H. P. 1486) (L. D. 1678)

(On motion by Mr. Corson of Somerset, tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

Bill, "An Act to Include Pellet Guns within the Definition of Firearm." (H. P. 1487) (L. D. 1679)

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

Bill, "An Act to Clarify the Law Relating to Group Insurance Certificates." (H. P. 1485) (L. D. 1677)

Mr. Thomas of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-62, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

#### House - As Amended

Bill, "An Act Relating to Compensation and Benefits under the State Classified Services." (H. P. 406) (L. D. 495)

Bill, "An Act Prohibiting Increase of Finance Charges on Outstanding Balances of Open-End Accounts under the Consumer Credit Code." (H. P. 600) (L. D. 743)

Bill, "An Act Concerning Annual Notification Fees under the Consumer Credit Code, Concerning a Lender Collecting and Enforcing Loans without a License, and Requiring the Payment of Certain Investigation Fees to the Superintendent of the Bureau of Consumer Protection." (H. P. 607) (L. D. 750)

Bill, "An Act to Require a Notice of Default to be given Within Prescribed Intervals, as Applicable for Open-end Credit Transactions under the Consumer Credit Code." (H. P. 608) (L. D. 751)

Bill, "An Act Concerning Refinancing of Credit Sales on Consolidation under the Consumer Credit Code." (H. P. 610) (L. D. 753)

Bill, "An Act to Remove the Limitation on the Amount of Real or Personal Property Authorized to be Held by the Portland Diet Mission." (H. P. 647) (L. D. 799)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Bill, "An Act to Fund Public School Education." (H. P. 1437) (L. D. 1452)

Mr. Berry of Androscoggin then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-63, was Read.

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

Mr. KATZ: Mr. President, first I would like to request a roll call on this amendment.

The basic question facing the Committee on Education with respect to this issue

was: to what extent do we move communities into a proper relationship in taxation. And the committee very, very vehemently said that we want to do things in this state by evolution and not by revolution.

L. D. 1994, when it was first considered and passed out, included a phase-in of 2.5 mills so that no community, no matter how low its tax effort, would be required to turn itself upside down overnight. 2.5 mills actually amounted to a maximum increase of about 19 point something percent. It was only natural when the committee looked at it this time, in the face of new state valuation, to say that we should continue this phase-in throughout the life of the bill so that no community would be required to react to its new uniform tax requirements with an increase of more than 20 per cent at any one time. The 20 percent was a repetition of our statement previously. I don't know quite where the 25 per cent came from, but I appreciate that those who support the 25 percent are doing so because very obviously their communities fare better.

Might I suggest that the legislature has a real responsibility here this morning, that temporarily it might be advantageous for some communities to support a 25 percent limitation. I would predict that two years from today the very communities which are supporting this posture may find that they have in fact voted disadvantageously to their long-run interests. For example, the City of Portland today would benefit from this 25 percent limitation. But for the singular occurrence of the repeal of the inventory tax, Portland would be in a completely different posture, because Portland is a vibrant growing community and its valuation is increasing.

So today I ask you to defeat the motion — and I will move that this amendment be indefinitely postponed — defeat the motion, and let us say to the state that we ask you to move through an evolutionary process into a position of greater equity, but we will not today or at any time cause any community to be faced with such radical increases in taxation that confidence in government will be reduced.

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

Mr. CLIFFORD: Mr. President, I would say that the difference between the current 20 percent limitation and the 25 percent limitation, which the amendment places on the increase, the difference of 5 percent is, as I read it, hardly revolutionary. It is not a substantial amount.

The issue here is really that a group of towns which have not been making a tax effort, because they are organized, and because they have initiated and threatened legal action against 1994, are holding a gun at the state, and they are requiring the communities that have been making the tax effort over the years to pick up the 2.5 million dollars. And that, I think simply stated, is what the issue is.

So I would hope that we could adopt the amendment and put the education funding bill into the posture of its original intent. The 25 percent is still a limitation so that no town can have its taxes increased in any one year more than 25 percent. The difference is that you don't punish the towns which have been making the kind of tax effort which they should have been making all along. And if you defeat the amendment, what you are doing is submitting to the blackmail of the organized towns which have not been

making a tax effort because of their threats against L. D. 1994 and the subsequent bills covering education funding. Thank you, Mr. President.

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

Mr. McNALLY: Mr. President, the good Senator from Kennebec suggested that we read over the horse blanket and see what has happened over in the House. I read it over and I just noticed that one of the representatives that spoke about this bill sort of said something very well: "Is it worse to be poor in the coastal towns than it is to be poor in the inland towns?" Think that over.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to first commend the members of the committee for the work that they have done in trying to make L. D. 1994 a more workable piece of legislation and to relieve the high valuation coastal communities from the burden imposed by the existing law. My only concern is that we may be overreacting in our efforts to help the coastal communities.

Let's state honestly what is at hand here. There is no absolute standard of fairness in this legislation which seeks to set payment standards across the entire state, with its many various communities.

What's fair in Livermore Falls is not necessarily fair in Vinalhaven. What's fair in Ogunquit is not fair in Caribou. It all depends on where you stand. And from where I stand, representing the people of Portland, the legislation before you will be considerably improved by the adoption of Senate Amendment "B".

The coastal communities will still be vastly better off than if we let 1994 stay as it is now. There are some 55 coastal communities presently paying in about 5 million dollars under L. D. 1994. L. D. 1452 would cut that burden by more than 50 percent, and other towns would have to make up the 2.7 million dollars under L. D. 1452.

By limiting the increase in the school tax to 25 percent, as proposed, rather than by 20 percent, as in L. D. 1452, we will benefit just as many communities as we are seeking to do in aiding our coastal communities. The coastal communities will still benefit, but not as much. At the same time, we will benefit 54 other communities and a number of SAD's as well. These communities are not just the large urban communities but they include such towns as Peru, Cooper, Poland, towns which have just as much right to consideration as do coastal towns.

The municipalities which would benefit under Senate Amendment "B" do include Bangor, Brewer, Biddeford, Scarborough, Brunswick, Caribou, Millinocket, East Millinocket, Eastport, Presque Isle, Madawaska, Lewiston, Auburn, Jay, Lisbon, Rumford, Old Town, Orono, Sanford, Westbrook, Waterville, Winslow and, as you might have surmised, Portland, and South Portland. These are communities which have been meeting their commitments under the present law. They are being asked to provide the relief, in my opinion, this relief is perhaps a little excessive.

For instance, the Town of Wiscasset, which would have owed \$1,693,000 under present law, is being asked to pay in only \$745,000 under the limitation of 20 percent.



The Town of Wells, which would have owed almost \$400,000, is being reduced to only a little more than \$250,000. I am sure that the citizens of these communities welcome this relief, but at whose expense?

I think most of us felt that L.D. 1994, if left to stand as is, would harm Maine's self-image, if we forced lobstermen to sell their homes just because they lived on a highly valued peninsula. But we also have to remember that our factory workers are just as much a part of Maine, with just as hard a time paying their bills, and I urge you to consider Senate Amendment "B" as a proposal which tries to deal fairly, from where I stand, with all of our citizens.

Mr. President and Members of the Senate: Although I do represent a very large community of the State, I wonder how often is taken into consideration by the legislature the overburden of taxes the citizens of Portland must pay? We talk about our hospitals, which the smaller communities don't have. The City of Portland has been endowed with three very large hospitals, all tax-exempt. We can relate to the University of Maine campus which is tax-exempt. We can talk about the full-time police departments, full-time fire departments, full-time Department of Public Works, and we can talk about many services that are given through the City of Portland that the citizens down there pay taxes for. We look at the total evaluation of the City of Portland, which is roughly \$541,000,000, and of that, over \$116,000,000 is tax-exempt, a percentage of nearly 21.5 percent.

We can look at county government, of which the City of Portland pays 35 percent of the total county budget to make sure that the communities within those other 25 towns have protection, such as the Sheriffs Department, and never once has the City of Portland balked or raised any kind of attempt to do away with such services, because we recognize that it is a necessity.

I think the passage of this bill as it currently stands, or as currently proposed by the Education Committee, is further burdensome on the taxpayers of the larger communities which are being forced to pick up the slack for the communities that are not making, as the good Senator from Androscoggin, Senator Clifford, has stated, the equalized taxation effort on the local level.

I, therefore Mr. President and Members of the Senate, would hope this body would adopt Senate Amendment "B".

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

Mr. BERRY: Mr. President, I didn't speak to the motion when I made it, for the simple reason that I knew there were going to be other speakers.

First of all, Senator Thomas, Senator Katz, Representative Lynch in the back of the room, and many other members of the committee have put in a lot of long hard hours on this bill. And being a member of that committee myself, I came out of committee with the strong belief that we should be at 20 percent. But since then, having met for the last five nights consistently with large groups of educators and municipal officials, I hate to see this develop into an issue between cities and towns, because that is not actually fact. I have met with people in my district which come from towns as small as Poland, Minot, Mechanic Falls and Hebron, very small towns, as well as the Cities of Lewiston, Auburn, Lisbon, etc., and the general consensus — and I don't

have any doubt in my mind that we have made a mistake with the 20 percent — is that we have to go to the 25 percent for justification.

I think we also should realize when we hear of poverty in the coastal towns that there is poverty in other towns that aren't on the coastal properties, and we have subsidized these coastal towns for many years, not only through education, but through highways, through county government, general assistance, and many other areas. I think it is time that we not necessarily yield beyond a breaking point, but that we yield to something that is fair, and I think the 25 percent is more than fair, and we are still picking up a fair share of their costs.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I represent a district of 20 communities where there is a division among those who will be hurt and those who will be helped by the provisions of the school finance law, and I have agonized a great deal over my own position about this. It seems to me, however, that the Education Committee has done much more agonizing than I have and they have come out with a very fair position.

The House went through all of the debating that I think can possibly be done on these issues. We know that time is running out for our communities to get their budgets in shape, and I would say that we ought to decide today to stick with the decisions made in the House and with the decisions of the Education Committee.

In this respect, I want to cite only three statistics. And I will grant you that statistics are items that can be arranged in many different ways for many different purposes. But these statistics have to do with the three cities that we have heard from this morning. I think we all realize the importance of per capita income in knowing where burdens really fall. Now, these statistics are based on 1969 data, and so you have to realize that they are not too reliable, but I would say that they show you some relationships worth consideration.

The Town of Dayton, for example, paying in under present law \$35,000, has a per capita income of \$2,250. The City of Auburn, on the other hand, has a per capita income of \$2,826. The Town of Georgetown over on the coast, a small village in Sagadahoc County paying in \$55,000, with a per capita income of \$2,034. Compare the City of Portland in that same year, with a per capita income of \$2,812. Kingsbury Plantation, paying in \$6,000 to the state; per capita income, \$2,387. Compare the City of Lewiston, per capita income, \$2,543.

We realize, I am sure, that we cannot do perfect equity in this bill, but I ask you to go along with the best that we have been able to put together thus far.

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

Mr. KATZ: Mr. President, the debate really has succeeded in underlying the complexities of trying to raise and spend 123 million dollars from the property tax, and that is what it is all about. I hope that after this amendment is disposed of, one way or the other, that the Senate will join ranks and live up to our responsibilities as representatives of all the people in all of the state and enact legislation together.

To give an idea of the complexity of the issue facing us — and I want to say that there has been no blackmail. I have to

admit that I have been not terribly enthused by some of my mail and some of the editorial comment that was a little bit more personal than my family and I would have liked. But let me point out what has happened in Portland since the last legislature acted. Double digit inflation, higher teachers pay, greater expenditures for special education for vocational education. But what has happened to the actual property tax burden on Portland people? In 1973-'74 they had to raise over 10 million dollars. If you accept the committee's version of equity today, the Portland taxpayers' burden will be something under 9 million dollars, a very significant reduction in the tax burden of Portland people.

Lewiston, pre-1994, 5.2 million in local property tax burden; under this bill, 3.9 million, a significant reduction on the burden of Lewiston taxpayers.

Bangor, pre-1994, 4.3 million; under this committee bill, 3 million.

Auburn, pre-1994, 3.2 million of a local property tax burden on Auburn people; under the committee bill, 2.3 million.

We are moving toward an establishment of an equity. I guess what I am saying to the Senate today is that in the process of pursuing that which we believe, we must not be insensitive to the fact that we are raising a holy amount of hell in some parts of the state. Even with the 20 percent, you are voting here today to double taxes in some communities in something over three years. Now, I say that whether these small communities are on the coast, like Vinalhaven, or one of my little communities which I represent, the Town of Chelsea just within the shadow of the state house, it is wrong for the Maine Legislature to be completely insensitive to the problems we are causing around the state in the name of education funding. And I say that the superintendents who are pushing for this extra 5 percent, I think, are being a little shortsighted, because from my point of view it certainly is not good for education in the State of Maine to create these extraordinary hassles.

I sympathize with the political problems of every member of the Senate and I respect your point of view. I only ask that after this vote you stop thinking necessarily as representatives of particular districts and perhaps look at your total responsibilities and help us all toward emergency enactment.

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

Mr. BERRY: Mr. President, we have heard many figures this morning, and the most recent were in the millions of dollars, which were aimed directly, I think, at the cities. But if I might make a correction to my good friend, Senator Collins, and only using one example — but you could go through the complete list that he read, as I was following him along — the Town of Dayton, for instance, which was one he mentioned paying in \$35,000, the thing that failed to be mentioned was the fact that this is under present law. Under the revisions by the 107th Legislature, if passed, the Town of Dayton will be paying in \$22,000, or a reduction of \$13,000. So I think the equivalency runs down through, not only in the cities, but it also shows in the towns. So if we are going to argue on figures, we have to stick either to one revision or the other, and not under present law.

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

Mr. CONLEY: Mr. President and Members of the Senate: I look at the very painful expression on the face of the Chairman of the Education Committee, Senator Katz, as he is about to snap the guillotine, and I would like to at least inform the Senate that this matter has been discussed by leadership, in the presence of the Commissioner of Education as well as the Chief Executive, and although I can honestly say no endorsement was given to Senate Amendment "B" by the Commissioner, I honestly can say he said he could live with Senate Amendment "B", and I think that honestly it is just fair for all of us to share the load rather than just the large urban communities.

The PRESIDENT: Is the Senate ready for the question. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Senate Amendment "B" be indefinitely postponed. A roll call had been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Senate Amendment "B" be indefinitely postponed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators, Cianchette, Collins, Corson, Cummings, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte McNally, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Wyman.

NAYS: Senators, Berry E.; Berry R.; Carbonneau, Clifford, Conley, Curtis, Trozky.

ABSENT: Senator, Merrill.

A roll call was had. 24 Senators having voted in the affirmative, and seven Senators having voted in the negative, with one Senator being absent, Senate Amendment "B" was Indefinitely Postponed.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be engrossed in concurrence? The Chair will order a division. Will all those Senators in favor of L.D. 1452 being passed to be engrossed, as amended, please rise in their places until counted. Will all those opposed please rise in their places until counted.

A division was had. 25 having voted in the affirmative, and 5 having voted in the negative, the Bill was Passed to be Engrossed, as Amended, in concurrence.

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

Mr. KATZ: Mr. President, I move reconsideration, and ask the Senate to vote against my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby this bill was passed to be engrossed. Will all those Senators in favor of the motion to reconsider say "Yes"; those opposed, "No".

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

#### Senate

Resolve, Providing Funds for Clients in Special Age Groups Served by Cerebral

Palsy Centers. (S. P. 327) (L. D. 1113)

(On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

Bill, "An Act to Clarify the Definition of Employee in the Workmen's Compensation Act." (S. P. 492) (L. D. 1821)

Bill, "An Act Relating to a Close Corporation Under the Unemployment Compensation Laws." (S. P. 493) (L. D. 1822)

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

Sent down for concurrence.

#### Enactors

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

An Act Relating to Action or Claim of Insured against Insurer under a Policy of Insurance. (H. P. 207) (L. D. 252)

An Act to Amend the Maine Securities Act. (H. P. 574) (L. D. 709)

An Act to Provide for Multiple Initial Licenses and Clarification of License Category under the Insurance Code. (H. P. 594) (L. D. 733)

An Act to Aid Municipalities in the Purchase of Surplus State Property. (H. P. 643) (L. D. 796)

An Act to Provide a Right to Examine and Return Life Insurance Policies. (H. P. 665) (L. D. 839)

An Act to Authorize the Real Estate Commission to Administer Oaths and Affirmations at Hearings. (H. P. 679) (L. D. 868)

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

An Act Relating to Liability of Natural Gas Distributors. (S. P. 419) (L. D. 1267)

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I apologize to the Senate for asking to take action on this bill at this late date, but frankly I didn't notice the bill until the Senate passed it to be engrossed.

L. D. 1267 imposes upon suppliers of natural gas strict liability for injuries or damage resulting from explosions or fire occasioned by natural gas escaping the system. This bill creates a rebuttable presumption that the gas company is liable for any gas which escapes from its systems, regardless of whether it is at fault.

This bill will create an impossible burden on a natural gas company. A search of the statutes of the entire nation and the statutes in cases in the State of Maine disclose no rule or law requiring any supplier of any commodity to pay large damages simply because it cannot prove someone else was at fault.

The 106th Legislature passed a strict liability law holding the seller of any goods or product in defective condition, unreasonably dangerous to the consumer, liable for any injury or damage, regardless of whether the consumer has bought the goods or the product. I have had distributed today a copy of that law. It is title 14, section 221, and I would ask you to just verify that for yourself.

I move indefinite postponement of this bill and all the accompanying papers because it unfairly singles out one

corporation, and its passage can only lead to increased costs to the consumer.

I also had distributed a summary statement to save you from listening to me too long, but I would like you to pay attention to it and I would like you to listen to this:

The passage of this bill will create a precedent which could lead to strict liability for the industry, regardless of fault. Bottled gas distributors, automobile manufacturers and dealers, cement manufacturers, housing suppliers, appliance manufacturers and dealers; these are some of the examples of where this bill could be extended, and these people would be guilty until they proved themselves innocent.

This bill, if passed, could be an indicator to possible business interests that we in Maine clearly demonstrate that we are anti-business. They could react to this legislation and say, "You know, today it is the natural gas company; maybe it will be my business tomorrow." Again, I urge you to read the summary statement and apprise yourself of the existing law, and I would ask you to support my motion to indefinitely postpone.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I certainly welcome the opportunity to debate this measure, which has not been debated in this body on its merits, and not on the basis of phone calls from bankers and industrialists, and to debate the bill on the merits and consider the bill on the merits, and not on the skill of the lobby, which is a very skillful one in this area.

This bill was considered long and hard by the Committee on Judiciary and was reported out ten to three Ought to Pass.

I notice that one of the members of the Committee on Judiciary, the Senator from Cumberland, Senator Merrill, who also represents an area which is served by natural gas and whose constituents would be directly affected, is not in the chamber, and I wonder if one of my colleagues might table this so that the good Senator from Cumberland, Senator Merrill, who has an interest in this bill, would be able to participate in this debate. Thank you, Mr. President.

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

Mr. Berry of Androscoggin then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Cianchette of Somerset to Indefinitely Postpone the Bill and accompanying papers.

Mr. Cianchette of Somerset then requested a division.

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

Mr. BERRY: Mr. President, due to the fact that I understand the Senator from Cumberland, Senator Merrill, will not be here until Monday, I withdraw the motion.

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

Mr. Conley of Cumberland then moved that the Bill be tabled and Specially Assigned for April 21, 1975, pending the motion by Mr. Cianchette of Somerset to Indefinitely Postpone the Bill and accompanying papers.

On motion by Mr. Cianchette of Somerset, a division was had. 15 having

voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

Mr. Conley of Cumberland then moved that the Bill be tabled, pending the motion by Mr. Cianchette of Somerset to Indefinitely Postpone the Bill and accompanying papers.

Mr. Speers of Kennebec then requested a division.

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

Mr. BERRY: Mr. President, an inquiry to the Chair if I might: Is it in the joint rules that any member who is present in the Senate would have to vote?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. BERRY: Then may this Senator remind the Chair to scrutinize the Senate, as some member has not voted.

The PRESIDENT: The Chair thanks the Senator. The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Conley, that this Bill be tabled. Will all those Senators in favor of tabling L. D. 1267 please rise in their places until counted. Will all those opposed please rise in their places until counted.

A division was had. 11 having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I would oppose the motion of the Senator from Somerset, Senator Cianchette. I would also express my disappointment that the Senate would not extend the courtesy to the good Senator from Cumberland to debate the matter, because he is one of the few Senators whose constituents are directly affected by this matter.

I will briefly try to explain the reason for the bill and why the committee worked on it so hard, and why the committee felt that the bill is a good and necessary one. We are dealing, first of all, with natural gas, which is a uniquely dangerous substance. It is lethal and explosive, but it is especially unique to the State of Maine because it runs through a distribution system which is an old system and was designed to carry manufactured gas through its pipes, manufactured gas being a wet gas and natural gas being a dry gas, so that the combination of natural gas which is highly explosive running through an old system makes it a uniquely dangerous situation in our state.

In my city, the City of Lewiston, we have had two severe explosions in two homes. Neither of the homes was a user of natural gas. Neither of the homes had any natural gas appliances contained in it. In 1970 there was an explosion which literally blew up a house and two people were killed. The roof blew twenty or thirty feet in the air, and one of the walls in that house blew fifty feet and was still going until it reached the house next door. In 1972 there was an explosion where two people were killed and two people were seriously injured. Again, the house literally blew up. Again, the house contained no natural gas appliances. So it is a uniquely dangerous situation.

The bill provides that there shall be strict liability only in certain instances. First of all, the party suing the gas company would have to prove, and would still have the burden of proof, that the explosion was caused by natural gas. The

strict liability would apply only for natural gas which escaped from the natural gas distribution system under the control of a natural gas company. There would be, and there is in the bill, a presumption that the natural gas did escape, which presumption is rebuttable by the gas company. They are able to show that the gas did not escape from their own system, that in fact the gas escaped from an appliance within the home. They have the expertise to so demonstrate this.

The bill goes further, and it further provides that even if the gas did escape from the system of the natural gas distributor under its control, that the gas company would further be relieved from liability if the escape was caused by a natural disaster or an action of a third party, including the person suing. The bill goes even further than that, and provides that they are further relieved from liability, even if the gas did escape from their system and no natural disaster or no third party caused that escape, if the explosion itself was caused by the negligence or intentional acts of a third party or the person suing. So this bill is a different bill than previous legislatures have considered; it clearly defines those instances when there is no liability on the part of the gas company. And this is the result of the work of the members of the Committee on Judiciary.

The good Senator from Somerset, Senator Cianchette, has pointed out that this legislature has acted in the field of strict liability and does impose liability for products on a strict basis. As the bill says, this section applies even though the seller has exercised all possible care in the preparation and sale of the product. So we do have strict liability in the area of product liability.

Last week this Senate voted in a particular situation concerning firemen to change the burden of proof in a particular situation where the facts warrant it, to create a presumption, and that presumption could be overcome on the part of the municipality, which this Senate felt would be in a better position to prove and to overcome the burden imposed by the statute.

Our environmental laws provide that a person who wants an exception to the Great Ponds Act has to prove himself that he or she will not cause harm to the environment. The burden of proof has shifted. So that I don't think that this bill is blazing that new a trail.

The bill does apply in fact to natural gas because natural gas, as I have attempted to explain, in the Maine situation is a uniquely dangerous substance. There is only one natural gas company, but if there were more, the bill would apply to all natural gas companies.

Under the present law, if there is an explosion which is caused by natural gas, the person who is injured really is in no position to show negligence, which he must do under the present law. The only way that he could show negligence is by hiring expensive consultants. And the last explosion, which resulted in the Public Utilities Commission hiring a consultant, resulted in a cost of somewhere in the vicinity of \$20,000. But the gas company is in a position, certainly much better than the person injured, to determine the cause of the explosion or the nature of the escape of the natural gas. The gas company knows its own system, they know where its pipes are, and they know the condition or should know the condition of their pipes.

They have experts on their staff who can aid them in their investigations. They are much better able and in a much better position than the person injured to show how the gas escaped from their system.

Under the present law, the gas company can come forward and say that they are not negligent because they have complied with all public utility regulations in the standards of their pipes, and the Public Utilities Commission in setting those standards has to figure how much it costs to make the pipe safe. This would eliminate that defense, so that if the gas in fact escaped from their system, that would be liability on the part of the gas company. I think that is the state the law should be in.

It has been mentioned that this bill is an anti-business bill. Well, I would disagree with the fact that this is an anti-business bill. It has been stated that there is no other statutory law like this in the country, and that is true, but there is court-imposed law in many of the states imposing strict liability for substances such as natural gas. So this would not put Maine in a unique position. In this business, the natural gas distributor that we are talking about here, the one that the opponents say is being singled out, is the same company that in 1967 and 1968 converted the manufactured gas system in Maine to a natural gas system, the manufactured gas being wet and not leaking, the natural gas being dry and drying the system and leaking. And the standards of the industry in 1967 and 1968 were that when you convert from a manufactured system to a natural gas system you take certain safety steps. This company took no steps. I don't feel that this kind of activity is the kind of activity that this legislature should show special concern for.

I know that many of you have received phone calls from the bankers and the industries who do business with Northern Utilities, and I know that the lobby — and they are good friends of mine — have done a good job on this bill, but I wish that you could get some phone calls from the people whom I represent, the people who are affected by this bill, because the people whom I represent are the users of natural gas and they are the ones who would have to pay any rate increases, if in fact rate increases will result, which I don't believe they will. But they are affected by living in the area, living with the dangerous situation on a day-in and day-out basis. It seems to me, Mr. President and Members of the Senate, that this bill would afford them minimal protection for a unique situation which is not going to be extended to other industries and other businesses unless the facts justify that extension. Thank you, Mr. President.

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

Mr. Graham of Cumberland then moved the Bill be tabled and Specially Assigned for April 22, 1975, pending the motion by Mr. Cianchette of Somerset to Indefinitely Postpone the Bill and accompanying papers.

Mr. Cianchette of Somerset requested a division, and subsequently Mr. Conley of Cumberland requested a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise in their places 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 Graham, that the bill be tabled until Tuesday next. Those Senators in favor of the tabling motion will vote "Yes"; those opposed, "No".

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry E.; Carbonneau, Clifford, Collins, Conley, Cyr, Gahagan, Graham, Johnston, Marcotte, O'Leary, Reeves, Speers, Thomas, Wyman.

NAYS: Senators Berry R.; Cianchette, Corson, Cummings, Curtis, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Trotzky.

ABSENT: Senators Danton, Merrill, Pray.

A roll call was had. 15 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with three Senators being absent, the motion prevailed.

#### Emergency

An Act Appropriating Funds for the 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)

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

Mr. HUBER: Mr. President and Members of the Senate: I would like to request that I be excused from voting on this matter, as I am a director and stockholder in a corporation owning land in the affected area.

I have not voted on this matter in the past session and would like permission to do so this time. Despite this request, I will use the benefit of my three years of graduate school, leading to a Master's Degree in Forestry, and ten years of practical experience in the field to advise the Senator from Kennebec, Senator Reeves, that the Appropriations Committee has considered his suggestion that spruce fir land be converted to the growth of white oak and black walnut. The findings of the committee are that white oak is of limited distribution in the southern part of the state and black walnut does not grow naturally in this state.

I hope the Senate will honor my request to be excused from voting on this matter.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now requests that he be excused from voting on this matter because of an apparent conflict of interest. Is this the pleasure of the Senate?

It is a vote.

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

Mr. REEVES: Two weeks ago, Mr. President, I promised the Members of the Senate a report on lobbyist expenses incurred so far in connection with this bill, the Spruce Budworm Spray Control Bill. I went into all this because some of my constituents worried that the paper companies would attempt to buy this bill. After all, this does involve more than one million dollars in state funds.

Today before we cast our final votes on this proposal, I am ready, with the cooperation of the paper industry, to make a report of sorts. Frankly, I haven't been able to sort out expenses for this bill alone, since the paper industry obviously is lobbying other proposals as well, but the public has a right to know, and before we vote.

Now I want to say, and emphasize, that I do not know of one vote in this chamber today that has been turned by these lobbying efforts. My only point in this exercise is that the public have all the information possible as they watch us vote.

First of all, I want to thank Mr. Magnuson of the Paper Industry Information Office, who has been very cooperative. His office informs me that approximately \$3,300 was spent on brochures, slides and mailings to legislators regarding budworm control.

Further, \$1,110 was spent on coffee and donuts and meals for legislators during which the budworm was discussed. Plus fees and salaries of the legislative counsel and employees, who are paid and salaries of the legislative-counsel-and-employees, who are paid and registered to lobby the legislators for the paper industry on industrial bills.

Because our present lobbyist disclosure law does not require any disclosure until next summer, or after we adjourn, expenses for fees and salaries can only be estimated up to this point. My estimates are based on expenses reported by paper company lobbyists during the Special Session of the 106th. Last year the industry had 18 paid lobbyists. This year there are 32. Of course, this list includes some lawyers who do double duty. Based on an average payment last year for 61 days work, in 1974 the paper company lobbyists got nearly \$3,000 each. Apply that figure to this year, and count the three and a half months of our session so far as roughly equal to the Special Session, and that equals \$95,360 paid for the paper company lobbyists fees so far. Plus the coffee and donuts, and whatever, that is a grand total of \$99,770. It is an estimate.

Now that that information is out on the floor, I wish to say that I am against this bill because I don't believe the State of Maine can afford it. I intend to vote "No", and I ask for a roll call, Mr. President.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would pose a question through the Chair, if I may, to any member of the Appropriations Committee who could respond. Last night in watching the state news, the spruce budworm bill was mentioned and there was a statement given by the commentator that the federal government had yet to approve the funding as its share along with the paper companies and the state as to taking care of this need. My question would be as to whether or not the bill has any reflection within it as to whether or not the state funds will be held up pending the funding on the federal level.

I would like to withdraw from that a moment, if I may, Mr. President, just to make a statement relative to the problem that we do have with the forest industry. Having served on the Appropriations Committee in the past, I have always been confronted with this same type of legislation, and obviously, it is a very serious appropriation.

Although not knowing too much about the spruce budworm and the damage it does do, I am aware of the fact that Maine forests, particularly in the northern section of this state, are being ravaged by this insect. I have a little difficulty at times listing the spruce budworm bill as one of my priorities, but I do recognize the fact that there are industries in the state and

these industries do need help and support. I know that many members of my party certainly hold some reservation also in the areas of priorities.

I intend to vote for passage of this bill this morning, although it may not be with the full consent of my heart, but I am concerned as to whether or not the bill is contingent upon federal legislation and the federal government passing the monies for this bill.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President and Members of the Senate: In response to the question of the good Senator from Cumberland, Senator Conley, it is my understanding that the state matching money for the spruce budworm control cannot be encumbered whatsoever until the federal funds are appropriated.

The PRESIDENT: The Chair would like the record to show that the Chair will not be voting on this issue because of an apparent conflict of interest, regardless of the outcome of the vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I think the remarks of the good Senator from Kennebec, Senator Reeves, bear some response. I wish to thank the good Senator for digging out the information as to the amount that was spent on coffee and doughnuts and the amount that may have been spent regarding the salaries of lobbyists. I simply want to say that this has not been an easy question that has been before the legislature. The appropriation of this amount of money is never a very easy question, especially in the time of economic hardships that we now face and in the face of the priorities that we are asked to consider.

I would say, though, that of course the legislature has considered this problem very carefully. It is not simply a problem of the large landowners using the forests of the State of Maine. It is very much a problem of the very small landowners as well, who would be faced with having no one to use their trees, should they wish to harvest them, should the larger companies be forced to go on a crash harvesting program to salvage as much as possible from their own forests in order to save the trees as soon as possible, to avoid as much damage from the spruce budworm as possible. So it is not simply a matter of the larger landowners and the state requesting them to simply do whatever they can to cut as much of the losses, and it is just too bad about the rest of it, because by doing that the state would be turning its back upon the smaller landowners who have a very high degree, a very concerned interest, in controlling the spread of this insect as much as possible.

I am a little concerned, however, with the remarks of the Senator from Kennebec in putting on the record the amount of money that was spent in lobbying this particular bill, or that may have been spent. I want to thank the Senator for mentioning at the very outset that he did not believe that any member of this Senate or of the other body had been bought regarding this particular bill. My concern is that apparently he considers it necessary to make that statement that no member of this body or of the other body



has been bought. By making that statement he thereby raises the question or the inference or the suspicion in the minds of individuals around the state who may not fully understand the process here in Augusta.

I simply want to say that all of the lobbying activity here in Augusta does serve a very real purpose in bringing information to legislators, and I think it is a very necessary function of state government. Should any member of course be bribed, that would be an egregious commitment of a crime, and I don't believe that that is happening, I don't believe that it has happened, and I don't believe that it will happen, but I do not like to hear the inference raised. I do wish to thank the Senator for emphasizing he does not believe that this has been the case, but I simply want to add my own emphasis to his remarks in that regard.

I think that there is a degree of timing involved in this bill, in that there must be the material purchased in a particular time in which it must be sprayed. So I would urge that the Senate now enact this particular measure.

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

Mr. CYR: Mr. President and Members of the Senate: Being a Senator from Aroostook County, this interests me very much, and I am sure that most of you by this time are aware of the importance of this measure. When you realize that 17 million acres of wildland in the State of Maine, five million of which is in Aroostook County, and three million of that is now under the threat of this disease, the situation is really desperate.

I will cite you just an example of what happened at Christmas time last year. I know of three individuals who went in the forest to pick up a Christmas tree, brought it home, installed it in their home, and found out that the tree was alive with budworms after the budworms had thawed out, and they had to throw away the Christmas tree. This is how serious this situation is in my area.

Now, when you realize that the paper industry represents about thirty percent of our manufacturing I think you will realize the contribution that this industry has made to the State of Maine. Also, we were very happy last week to find out that the corporate tax had kicked in an extra six million dollars to the treasury. Well, I can tell you a good part of that comes from the paper industry. So I think that this measure and this small amount — that is, small amount compared to the total — is certainly deserving of the State of Maine for us to consider, and I hope you will vote for the enactment of this bill.

The PRESIDENT: The pending question before the Senate is the enactment of L. D. 689. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of these Senators present and voting. Will all those Senators in favor of ordering a roll call please rise in their places until counted.

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

The pending question before the Senate is the enactment of L. D. 689. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Berry R.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr,

Danton, Gahagan, Graffam, Greeley, Hichens, Jackson, Johnston, Katz, Marcotte, McNally, O'Leary, Pray, Roberts, Speers, Thomas, Trotzky and Wyman.

NAYS: Senators Graham and Reeves.

ABSENT: Senator Merrill.

A roll call was had. 28 Senators having voted in the affirmative, and two Senators having voted in the negative, with two Senators abstaining and one Senator being absent, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

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. (H. P. 318) (L. D. 387).

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

#### Reconsidered Matter

The following Bill was held on April 15, 1975, at the request of Mr. Trotzky of Penobscot, pending Consideration:

Bill, "An Act to Extend Date for Closing of Open Burning Dumps." (H. P. 1464) (L. D. 1502)

Mr. Trotzky then moved that the Senate reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

Mr. CIANCHETTE: Mr. President, may I pose a question through the Chair to the Senator from Penobscot, Senator Trotzky, as to the purpose of reconsidering this bill?

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, the purpose is to clarify the language by an amendment which will be submitted, if I can table it for two days.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby this Bill was Passed to be Engrossed?

The motion prevailed.

Thereupon, on motion by Mr. Trotzky, tabled and Specially Assigned for April 18, 1975, pending Passage to be Engrossed.

#### 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. 725) 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 9, 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 Tomorrow Assigned, ending Acceptance of Either Committee Report.

The President laid before the Senate the

second tabled and Specially Assigned matter:

Bill, An Act to Permit Furloughs for Prisoners of County Jails. (H. P. 427) (L. D. 521)

Tabled — April 10, 1975 by Senator Collins of Knox.

Pending — Enactment.

(In the House — Bill and Accompanying Papers Indefinitely Postponed.)

On motion by Mr. Collins of Knox, retabled and Tomorrow Assigned, pending Enactment.

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

Bill, An Act Relating to State Subsidy for Units with Federally Impacted Students. (H. P. 107) (L. D. 104)

Tabled — April 11, 1975 by Senator Conley of Cumberland.

Pending — Enactment.

On motion by Mr. Katz of Kennebec, retabled and Tomorrow Assigned, pending Enactment.

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

Senate Report — from the Committee on Appropriations and Financial Affairs — Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 230) (L. D. 774) Ought to Pass.

Tabled — April 11, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

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

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

Bill, "An Act Relating to the Prohibition Against Hitchhiking." (H. P. 1474) (L. D. 1564)

Tabled — April 14, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act to Provide Excise Tax Refund for Construction and Operation of Breweries within the State." (H. P. 369) (L. D. 463)

Tabled — April 14, 1975 by Senator Speers of Kennebec.

Pending — Motion by Senator Merrill of Cumberland to Reconsider Action whereby the Bill was Indefinitely Postponed.

(In the House — Passed to be Engrossed.)

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

Mr. WYMAN: Mr. President, and Members of the Senate: At first I thought this should be retabled until tomorrow in deference to Senator Merrill, but I understand he is going to be away until Monday, and since this is far short of enactment, I will move that we reconsider our action whereby this was indefinitely

postponed. Then if this prevails, I will move that we accept the committee ought to pass report.

The PRESIDENT: The Chair would advise the Senator that the pending motion has already been made by the Senator from Cumberland, Senator Merrill, that the Senate reconsider its action. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Merrill, that the Senate reconsider its action whereby the bill was indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Thereupon, on motion by Mr. Carbonneau of Androscoggin, retabled and Specially Assigned for April 21, 1975, pending the motion by Mr. Merrill of Cumberland to Reconsider.

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

**HOUSE REPORT** — from the Committee on Taxation — Bill, "An Act to Repeal the Sales Tax on Fuel Oil and to Enact in its Place an Excise Tax on Fuel Consumed in Industrial and Manufacturing Establishments." (H. P. 865) (L. D. 1074) Leave to Withdraw.

Tabled — April 15, 1975 by Senator Wyman of Washington.

Pending — Motion of Senator Berry of Cumberland to Accept the Report.

(In the House — Report Read and Accepted.)

Thereupon, the Leave to Withdraw Report of the Committee was Accepted in concurrence.

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

Mr. CONLEY: Mr. President and Members of the Senate: I just want to clarify an area relative to the bill L. D. 463 that was just recently tabled until next Monday. The good Senator from Washington, Senator Wyman, did come to me earlier in this morning's session and asked what he should do with that bill relative to leaving it on the table or not. I told him as far as Senator Merrill and I were concerned that it would be perfectly all right to move the bill along or at least Senator Merrill would be given another opportunity to debate the bill. I don't want any one in this chamber to think the good Senator from Washington, Senator Wyman, was acting in an awkward way.

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

Bill, "An Act Relating to Filing Requirements for Perfecting a Security Interest in Mobile Homes under the Uniform Commercial Code." (S. P. 297) (L. D. 1023)

Tabled — April 15, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

Mr. Johnston of Aroostook then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-65, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

#### Reconsidered Matter

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

Mr. CURTIS: Mr. President, because of a problem that has just come to my attention with a bill which we passed to be

engrossed, I would like to request that the action which we took to engross L. D. 495 be reconsidered.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that the Senate reconsider its action whereby Bill, "An Act Relating to Compensation and Benefits under the State Classified Service" (H. P. 406) (L. D. 495), was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by the same Senator, tabled and Specially Assigned for April 21, 1975, pending Passage to be Engrossed.

#### (Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.