

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

Friday, April 18, 1975

Senate called to order by the President.

Prayer by Rev. C. Arthur Hover of Sanford:

Spirit of life, giver of the laws of the universe, whose power and justice and love undergird us all, we come for a moment of reflection and meditation, keeping counsel with ourselves and aspiring toward a knowledge of the spirit, dedicating ourselves anew to implement our spoken ideals of goodness, truth and beauty.

May we remember that the law and its just application has been a beacon through the generations and centuries toward the welfare and protection of all the people against everything that would assault the high principles developed by our ancestors, principles whose achievement makes for proud citizens. May we be worthy of the responsibilities of this day, that in wisdom each may fulfill his or her conscientious duty unafraid and unashamed, to the end that this government may be sensitive to the needs of its people, wise in judgment, and courageous in action, that the advancement of the common good may be a reality.

Let our high purposes and concerns cost us something. Grant us the joy of living and thinking with our whole being. Hallow us in the heroisms of a true and universal commonwealth. Stiffen us with courage in its stern decisions. We would look this day, behind all of the forms, the rituals and the titles, to that spirit of life which concerns us most and gives us being. May we put into practice here the highest visions of right and justice and truth which our human brothers and sisters have shared and stood for through the millennia. We share together in these moments that faith which goads human kind to continually search for the better way, for the more meaningful life.

In this short time of meditation may we have the grace to thoughtfully consider our place in the great drama of history. May we also be blessed to see, though dimly, some better path for the future, a newer and better world in which we may walk in peace and love and freer lives. This is our prayer. May we do our part in its fulfillment, in gratitude and in awe, we pray. Amen.

Reading of the Journal of yesterday.

Out of order and under suspension of the rules, the Senate voted to take up the following matter not appearing on the Advance Calendar:

**Joint Resolution
STATE OF MAINE**

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

Joint Resolution Recognizing the Significance of National Bicentennial Observances in Maine; Acknowledging Preparations Being Made By Maine's People; and Designating the Start of Maine's Official Observance of America's Revolutionary Bicentennial

WHEREAS, the State of Maine is richly endowed with the proud history and heritage of the American Revolutionary Period; and

WHEREAS, the State of Maine offers many opportunities for the appropriate commemoration and celebration of both

historic and present day accomplishments; and

WHEREAS, the State of Maine looks forward on this eve of the National Bicentennial observances to a bright and promising future built on the principles of our founding fathers and mothers; and

WHEREAS, the People of Maine, in communities throughout the State, now stand ready to honor that history and heritage, celebrate those accomplishments, and inaugurate that future; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature on behalf of the people of Maine, proclaim the official observances of the American Revolution Bicentennial shall begin in the State of Maine on Patriot's Day, April 19, 1975, the 200th anniversary of the day when

"By the rude bridge that arched the flood

Their flag to April's breeze unfurled
Here once the embattled farmers stood
And fired the shot heard round the world"

and, be it further

RESOLVED: That suitable copies of this Resolution be prepared and transmitted forthwith by the Secretary of State to the National and State Bicentennial Commissions and to all departments and agencies of this State calling this important objective to their attention. (H. P. 1505)

Comes from the House, Read and Adopted.

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: Today we are starting the American Revolution Bicentennial, a period of remembrance of events of 200 years ago. It was exactly 200 years ago this coming morning, tomorrow at 2 o'clock, that the lantern went up in the church steeple and that the courier left on his trip through Middlesex County.

Today as we cast about us and look at the world, we find plenty of reason for bleakness of spirit, no matter where we look. We are in or hopefully coming out of a very serious depression. We find wars everywhere, we find anarchy, we find revolution. Even our political situation leaves us less than happy. But let's look back 200 years ago. 200 years ago our forefathers were scratching a living, thinly holding onto a tenuous existence on the fringe of the American shores. And here in Maine we played a real vital part in what went on 200 years ago.

200 years ago, this coming October 18th, the then Town of Falmouth, now Portland, was leveled by Lieutenant Moe's British flotilla. This was the largest act of destruction that had occurred to that time in America. Three-quarters of the houses, three-quarters of the personal property in Portland, were destroyed in what can only be described as an inhuman act of barbarism on a civilian population.

While our problems have become more complex, the basic struggle of a democracy continues. The question was then, as it is now, the creation of a society and institutions that will give maximum freedom to the human spirit.

The Bicentennial is obviously going to be a celebration, but it should be and will be much more. It represents an opportunity for you and for me, and for us as a nation, to examine closely our society, our institutions, our role and our belief in the

world, and to determine how we can more effectively implement the principles which inspired those wonderful men of 200 years ago. So let us face the problems of today with the courage, the energy, and the genius that was then and is now America.

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

Thereupon, the Joint Resolution was Adopted in concurrence.

The PRESIDENT: The Chair will ask the Sergeant-at-Arms to escort Miss Donna Thibodeau, who is Director of the Maine Bicentennial Commission, to the rostrum so that she may say a few words to the Senate.

Thereupon, the Sergeant-at-Arms escorted Miss Thibodeau to the rostrum where she addressed the Senate as follows:

Miss THIBODEAU: Thank you very much. On behalf of the Maine Bicentennial Commission, I would like to thank you, the Maine Legislature, for supporting our efforts and our programs to date. I think you will find in the coming six months to a year that your communities all over the State of Maine will be developing programs and asking your participation in these programs. Please support your local programs, and I hope you will continue to support our state program.

Today, on behalf of the Commission, I would like to present to the President the flag with the symbol of the Maine Bicentennial Commission on it, as you are the Bicentennial Legislature for the State of Maine. (Applause)

Thereupon, the Sergeant-at-Arms escorted Miss Thibodeau from the rostrum to the rear of the Chamber, amid the applause of the Senate, the members rising.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate.

Mr. KATZ: Mr. President, as the members of the Senate go home over the weekend to deal with the problems of their constituencies, I think that it is proper that they be brought up to date with the events of the last, not 200 years, but the last two years, as it pertains to education finance.

Two days ago as the day was coming to an end, the first question was raised as to whether or not education was properly funded. The Education Committee had been operating on the basis that we would not increase education costs to the state, and within that parameter we worked on and developed a bill. On Wednesday night the question began to be asked as to whether there was adequate funding within the bill to do that which we said we were doing. The answer today is no.

The bill, when it was adjusted to reflect the 20 percent limitation, a slight increase in the mill rate for all communities, left a deficiency of approximately a million and a half dollars. Without any question, when that figure is firmed down and the bill is tabled in the House until Monday, the Education Committee will have the responsibility of reviewing our work and coming up with an equitable alternative so that we may indeed stay within the framework of existing resources.

Perhaps more serious is the rumor that has been running around that the funding for education in the Governor's current service budget is short, and that appears to be the case. Although I am certain that others more qualified than I are presently reviewing the budget, quiet independent of

any action of this legislature, quite independent of the existence of a school finance act of 1975, it would appear that in drafting the education portion of the Governor's budget there is an inclusion of a figure approximating 6 million dollars for the current year under revenues which, in fact, are not revenues available to us at all. If this is true, it means that we have a 6 million dollar budgetary deficit for next year facing us.

I don't know the implications for the second year, but it would occur to me that this budgetary deficit in the first year will probably be at least duplicated in the second year, in which case this legislature, which has worked long and hard and conscientiously to live within our mandate of a balanced budget, may by the time we come up next week be faced with a 12 million dollars deficit. And that does not include the approximate 3 million dollars facing the Committee on Education, which is our responsibility to make adjustments.

Now, Mr. President and Members of the Senate, I have to admit — let me pick my words carefully — my impression was, reinforced by all my information, reinforced by all the staff support I was able to get, that the Education Committee presented to you a bill which in fact called upon no new state dollars. And you can imagine the disappointment and the chagrin of the thirteen members of the Committee who worked long and conscientiously to bring this document to you. And I have to admit that the budgetary deficit happens to be in Education — it could have been somewhere else — because it was just the inclusion of a couple of figures in the wrong place, but naturally it ended up in Education. And I have been deeply concerned at the turbulence that the educational community finds itself in because of the differences in opinion in educational funding, so I could be expected to be up tight about this.

The fact is that I have been proud as punch of this 107th Legislature. Over the past two weeks we have debated at some length alternative courses of action to go in improving the educational finance law. We have yet to see the first evidence of partisanship in either body. We have yet to see any evidence of strident, divisive, emotional confrontation. We came up to a bunch of proposed amendments, we dealt with them, and then we said we will go about to do our business.

Now we have a new factor involved. It may very well be that the Governor's budget, which has been suspect on so many sides as being underfunded, may turn out to be underfunded. And my plea to you as you go home over the weekend is to concentrate not on whose fault this is, not to spend your time thinking about how we can bag a governor or a party with responsibility. The fact is that when you come back next week you are going to be faced with a very serious budgetary problem, and I hope that the 107th Legislature can continue as it has started and done so well in avoiding partisan considerations, in avoiding confrontations as between departments of state government, and, instead of recriminations, join together and attempt to do the best thing that we can to solve a very, very important dilemma.

**Papers from the House
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 Order Printed.

In the House April 15, 1975, referred to the Committee on Taxation and Order Printed, in non-concurrence.

In the Senate April 16, 1975, the Senate voted to Insist.

Comes from the House that Body having Insisted.

On motion by Mr. Speers of Kennebec, the Senate voted to Recede and Concur.

**Joint Resolution
STATE OF MAINE**

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

Joint Resolution in Support of International Women's Year

WHEREAS, ther United Nations has designated 1975 as International Women's Year; and

WHEREAS, the President of the United States, on January 30, 1974, proclaimed 1975 to be International Women's Year; and

WHEREAS, the aim of International Women's Year is to promote equality for men and women, to assure the full integration of women in the total development effort and to increase the contribution of women to the strengthening of world peace; and

WHEREAS, a conference on International Women's Year will be held in Mexico City beginning on June 23, 1975, which will focus on current trends and changes in the roles of women and men in political, social, economic, family and cultural life and on the major obstacles hindering the contribution of women and men as full partners in the total development effort and which will launch an international action program aimed at achieving the integration of women in development and at eliminating discrimination on grounds of sex; now, therefore, be it

RESOLVED: The Senate concurring; that we, the Members of the 107th Legislature, fully support and join with the United Nations and the President of the United States in supporting International Women's Year; and be it further

RESOLVED: That we respectfully urge the Governor to take such steps as are necessary to support the goals of International Women's Year and we urge continued support for those goals on the local, state and national level; and be it further

RESOLVED: That suitable copies of this resolution be transmitted by the Clerk of the House to the Honorable Kurt Waldheim, Secretary-General of the United Nations, to the Honorable Gerald R. Ford, President of the United States and to the Honorable James B. Longley, Governor of Maine. (H. P. 1504)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Joint Resolution
STATE OF MAINE**

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

Joint Resolution in Support of the "Dance to Give Them A Chance" Marathon to

Benefit the Maine Association of Retarded Citizens, the Pine Tree Camp for Crippled Children and the Maine Chapter of the Epilepsy Foundation of America

WHEREAS, the first annual "Dance to Give Them a Chance" marathon, will be held April 19th at the Wadsworth Gym of the Colby Field House on the Colby College Campus; and

WHEREAS, this dance will be sponsored by the Alpha Tau Omega Fraternity and will be a uniquely campus-community event which will provide entertainment for young and old; and

WHEREAS, the benefits of this dance will aid 3 charities; Maine Association of Retarded Citizens, the Pine Tree Camp for Crippled Children in Rome, Maine and the Epilepsy Foundation of America, Maine Chapter; and

WHEREAS, Governor James B. Longley has issued a proclamation proclaiming April 19th as "Dance to Give Them A Chance Day"; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature in regular session assembled, acknowledge and support "Dance to Give Them A Chance Day"; and be it further

RESOLVED: That a suitable copy of this resolve be sent by the Clerk of the House to the Maine Association of Retarded Children, to the Pine Tree Camp for Crippled Children and to the Maine Chapter of the Epilepsy Foundation of America. (H. P. 1506)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Joint Resolution
STATE OF MAINE**

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

Joint Resolution Memorializing the Congress of the United States to Prevent Selective Taxes from Being Imposed as a Means to Reduce Consumption of Petroleum Based Fuels

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Seventh Legislative Session, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the citizens of Maine acknowledge there is a limited amount of petroleum based fuel left in the world; and

WHEREAS, the citizens of this State have been and are continuing to reduce their consumption of petroleum based fuels; and

WHEREAS, the imposition of a selective excise tax on noncommercial motorboat motors, snowmobiles and noncommercial aircraft as set forth in Section 323 of House Bill 5005, now before the United States Congress, will cause an undue hardship on said citizens of this State by causing certain selected citizens to pay an extra 20 percent in order to enjoy their sport; and

WHEREAS, this tax will cause an undue hardship on the State Government and the citizens of this State by depriving the State of revenue; now, therefore, be it

RESOLVED: That We, your Memorialists, do hereby respectfully request and urge the Congress of the United States to do all in its power to not impose selective taxes as proposed in House Bill 5005; and be it further

RESOLVED: That the Federal Congress be directed to actively seek alternate

sources of fuel and that any program involving the use of petroleum based energy be established on a fair and equal basis; and be it further

RESOLVED: That a suitable copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation. (H. P. 1503)

Comes from the House, Read and Adopted.

Which was Read.

On motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, Pending Adoption.

Joint Order

WHEREAS, there have been several pieces of proposed legislation presented to the regular session of the 107th Legislature whose purpose is to ease the statutory requirements for obtaining a liquor license; and

WHEREAS, certain procedural, regulatory and statutory requirements for obtaining a liquor license may perhaps be too stringent in that they disqualify many potential licensees without clear necessity for their disqualification; and

WHEREAS, there is a need for a total review of the procedures, regulations and statutes governing liquor licenses, in order to arrive at a clear legislative policy concerning the issuance of liquor licenses and qualifications of liquor licensees; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Liquor Control, to study the procedures, regulations and statutes governing the issuance of liquor licenses and the qualifications of liquor licensees; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1499)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Speers of Kennebec, tabled pending Passage.

House Papers

Bills today received from the House requiring reference to Committees were acted upon in concurrence.

Communications

STATE OF MAINE

One Hundred and Seventh Legislature
House of Representatives
Office of the Clerk
Augusta, Maine 04330

April 17, 1975

Hon. Harry N. Starbranch
Secretary of the Senate
107th Legislature
Dear Mr. Secretary:

The House voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act Exempting Solar of Wind Power Facilities from Sales Tax. (S. P. 56) (L. D. 125)

The Speaker appointed the following conferees to the Committee of Conference:

Rep. TIERNEY of Durham
Rep. DAM of Skowhegan
Rep. FINEMORE of Bridgewater

Respectfully,

Signed: EDWIN H. PERT
Clerk

House of Representatives

Which was Read and Ordered Placed on File.

**Senate Papers
Joint Resolution**

Mr. Gahagan of Aroostook presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

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

IN MEMORIAM

Having Learned Of The Death Of
GARY ANDREW ANDERSON
of Caribou

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (S. P. 495)

Which was Read and Adopted.
Sent down for concurrence.

**Committee Reports
House**

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

Bill, "An Act to Increase the Salaries of Certain Sagadahoc County Officers." (H. P. 668) (L. D. 842)

Bill, "An Act to Increase the Salaries of the Register of Deeds and the Deputy Register of Deeds of Cumberland County." (H. P. 776) (L. D. 947)

Bill, "An Act to Increase the Salary of the Treasurer of Cumberland County." (H. P. 779) (L. D. 950)

Bill, "An Act to Increase the Salary of the Clerk and Deputy Clerk of Courts of Penobscot County." (H. P. 823) (L. D. 1007)

Bill, "An Act Increasing Salaries of County Officers of Kennebec County." (H. P. 949) (L. D. 1187)

Leave to Withdraw

The Committee on Labor on, Bill, "An Act to Extend Collective Bargaining Rights to Employees of the University of Maine." (H. P. 960) (L. D. 1112)

Reported that the same be granted Leave to Withdraw.

The Committee on Local and County Government on, Bill, "An Act Concerning the Powers of Counties." (H. P. 688) (L. D. 871)

Reported that the same be granted Leave to Withdraw.

The Committee on Local and County Government on, Bill, "An Act to Increase Salaries of Certain County Officers for the County of Aroostook." (H. P. 737) (L. D. 918)

Reported that the same be granted Leave to Withdraw.

The Committee on Local and County Government on, Bill, "An Act to Repeal the Legislative Power to Change Specific Line Categories within the Annual Estimates for County Taxes." (H. P. 922) (L. D. 1137)

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 Natural Resources on, Bill, "An Act to Specify the Future Use of Certain Lands in the City of Portland." (H. P. 768) (L. D. 939)

Reported that the same Ought to Pass. Comes from the House, the Bill Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Judiciary on, Resolve, Authorizing Priscilla Blodgett of Augusta or her Legal Representatives to Bring an Action against the State of Maine. (H. P. 553) (L. D. 681)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-162).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (H. P. 710) (L. D. 889)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-163).

Come from the House, the Bill and Resolve Passed to be Engrossed as Amended by Committee Amendments "A"

Which reports were Read and Accepted in concurrence, and the Bill and Resolve Read Once, Committee Amendments "A" were Read and Adopted in concurrence and the Bill and Resolve, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to Specially Designed Registration Plates for the Maine National Guard." (H. P. 733) (L. D. 909)

Reported that the same Ought to Pass.

Signed:
Senators:

GREELEY of Waldo
McNALLY of Hancock
CYR of Aroostook

Representatives:

FRASER of Mexico
WINSHIP of Milo
STROUT of East Corinth
BERRY of Madison
JACQUES of Lewiston
KAUFFMAN of Kittery
LUNT of Presque Isle
WEBBER of Belfast

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

Signed:

Representative:
JENSEN of Portland

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

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

Second Readers

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

House

Bill, "An Act Relating to Reallocation of Existing Institutional Resources of the Bureau of Corrections." (H. P. 559) (L. D. 688)

Bill, "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (H. P. 709) (L. D. 888)

Bill, "An Act to Create the Maine Fishing Gear Damage Fund." (H. P. 1489) (L. D. 1681)

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

Bill, "An Act Establishing the Civil Rights of Hemophiliacs." (H. P. 840) (L. D. 986)

Which was Read a Second Time.

Mr. Wyman of Washington then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-78, was Read and Adopted in non-concurrence and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act to Change Weights and Related Provisions for Commercial Vehicles." (H. P. 1223) (L. D. 1211)

Which was Read a Second Time.

On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for May 22, 1975, pending Passage to be Engrossed.

House - As Amended

Bill, "An Act to Provide Vocational Rehabilitation Services to Those Persons who are Deaf or Who Have Impaired Hearing." (H. P. 165) (L. D. 199)

Bill, "An Act to Provide Funds for the Continuation of Children's Mental Health Services within the State of Maine." (H. P. 623) (L. D. 777)

Bill, "An Act Relating to Premiums and Rebates by Class A Restaurants under the Liquor Laws." (H. P. 873) (L. D. 1047)

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

Senate

Bill, "An Act to Increase Certain Fees of Registers of Deeds." (S. P. 249) (L. D. 830)

Bill, "An Act to Clarify the Definition of "Approved Alcohol Treatment Facility" and to Allow Payments to be Made Directly to the Facility." (S. P. 273) (L. D. 879)

Bill, "An Act Relating to Special Agency Stores." (S. P. 290) (L. D. 1015)

Bill, "An Act Concerning the Acquisition, Maintenance and Replacement of Multi-level Private Parking Facilities under the Municipal Securities Approval Act." (S. P. 331) (L. D. 1117)

Resolve, Authorizing the Destruction of Student Fingerprint Cards Maintained by State. (S. P. 380) (L. D. 1231)

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

Sent down for concurrence.

(See action later in today's session regarding L. D. 1117.)

Bill, "An Act Creating the Dickey-Lincoln Power Authority." (S. P. 189) (L. D. 662)

Which was Read a Second Time.

Mr. Trotzky of Penobscot then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-77, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: In L. D. 662, An Act Creating the Dickey-Lincoln Power Authority, in section 3619, it reads as follows: "The State further consents, subject to the approval of the Governor with the advice and consent of the Council, to use by the authority of public lots which with the cooperation of the Bureau of Public Lands, can be exchanged for land held by private landowners, when such land is deemed by the authority to be necessary or convenient for the construction, maintenance and operation of the authority."

What this section does is allow for the swapping of the public lands so that these public lands will lie on the bottom of a lake created by Dickey Dam.

The law requires that the public reserved lands be managed for a "sustained yield of products and services" in accordance with the "principles of sound planning and prudent business practices." The Bureau of Public Lands has made a rapid and great progress in returning to the public all their interests in the public reserved lands, and in bringing these lands under effective multiple-use management.

We are only now beginning to explore systematically the opportunities inherent in the public reserved lands for commercial and experimental timber management, for recreation of all kinds, for wildlife habitat protection, for economic development, and so on.

To predicate the future management of the public reserved lands upon the past policy of neglect would be a great mistake. And to inundate almost one-fourth of this public trust would be a cruel gesture, at best.

I hope the Senate will support this amendment.

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

Mr. CIANCHETTE: Mr. President, I would like to just say that I think this is a tremendous amendment and I hope the Senate accepts it.

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

Mr. CYR: Mr. President and Members of the Senate: This is in regards to swapping the public lots, and when I put it in I thought this would sweeten the bill. I got the idea from the 60,000 acres that Great Northern just swapped for public lots. However, I have no objection if this is deleted.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "B" be adopted?

Thereupon, Senate Amendment "B" was Adopted.

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

Senate Amendment "A", Filing No. S-75, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CYR: Mr. President and Members of the Senate: I debated yesterday that in

the statement of fact you had certain safeties, however, it was brought to my attention that being in the statement of fact doesn't make it legal. So I am making it legal through this amendment and this is how it reads: the following conditions are satisfied:

1. The economic feasibility study must be favorable.

2. The environmental impact study must be favorable." And if these two studies are favorable then, under three, after the completion of the studies the federal government still has one year to commit itself to the construction of the hydroelectric project. If not, this would be activated. I hope you vote for the adoption of Senate Amendment "A"

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

Thereupon, Senate Amendment "A" was Adopted.

Mr. Trotzky of Penobscot then moved that the Bill and accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President, yesterday I gave what I thought were facts to the Senate on the Dickey-Lincoln Project, and I would like today to verify some of these.

The lake formed behind Dickey dam would vary in size, depending on how much water is drawn off to produce electricity and how much rain and snow falls on the 2,725 square-mile drainage area.

In 1966, the Army Corps of Engineers fed several decades' worth of Upper St. John hydrologic data into a computer to determine the operational characteristics of the Dickey Reservoir.

The computer simulation revealed that "the lowest pool would occur in March and the mean level for this month over 30 years would represent a drawdown of 25 feet from the maximum power pool."

At the mean maximum drawdown in March about 21,000 acres of land would be exposed. That means we would have a lake in the upper St. John Valley with 21,000 acres of mudflats with no vegetation growing.

Now, there has to be an alternative. When one turns around and says I am against this peaking power project, the question comes up of what other alternatives are there? There is a report here by the New England River Basins Commission. In this report they mention that there are five sites called pump storage sites that they recommend for the State of Maine. These pump storage sites are for generating peaking power. There are two of them around Bingham, one near Oquossoc, Maine, one at Pleasant Ridge and one near Robinson Pond.

Let me also mention that these sites are near centers of population and we wouldn't have transmission lines going clear across the State of Maine. Also, as far as power plants, the ones in operation right now, Dickey Lincoln will cost \$940 per kilowatt, and Northfield Mountain, which is a pump storage site, would cost only \$131 per kilowatt. Bear Swamp, another peaking power pump storage site, \$193 per kilowatt.

I guess many people feel that in speaking against Dickey Lincoln I am just an environmentalist. Well, I am not just an environmentalist. I believe we have to look to the best alternative for peak power. And with 21,000 acres of mudflats exposed around the lake, I feel that this is very

destructive environmentally and there are better alternatives. I hope you will support my motion.

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

Mr. CYR: Mr. President and Members of the Senate: First of all, I would like a roll call when the vote is taken. I am not going to get into a debate on the environment. If the arguments of the environmentalists are valid, the environmental impact study will be unfavorable and, therefore, nothing will be built. If the environmental impact study is favorable, and they have proved that the arguments of the environmentalists are exaggerated and overblown, then the impact study will come out favorably.

The amendment that I introduced just a while ago gives you three protections. If the two studies are favorable, then the government has one year to commit itself to the construction of it. The reason why I doubt that the environmentalists are going to accept this study if it is favorable is that we know their background, and the group that is heading the opposition to this is the Friends of St. John, located in Boston. They are a coalition of clubs all over the United States, and they don't die easily. They are worse than the spruce budworm. What I predict is that they will have a delaying tactic in Washington and possibly drag this through the courts the same as they have done for the Alaska pipeline. Now, if we accept this authority, this standby legislation, and if this is all it is, a delaying action, the Governor can just pull out this authority to create a commission and go to work and build it. This is all we are asking with this legislation.

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

Mr. TROTZKY: Mr. President, I am not a member of the Friends of the St. John and I don't die easily. I would clarify something else I said yesterday which the Senator took issue with. This dam would require some 61 million cubic yards of fill, and this would come from the Deboulie Mountain Range, we in passing another law, another bill, L. D. 177, that land was turned over to our Public Lands Bureau.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would just like to emphasize something that the Senator from Aroostook, Senator Cyr, said, that if some of the statements made by Senator Trotzky of Penobscot are true, then obviously the environmental impact study would be unfavorable and under this amendment that we see here today this authority could never be activated.

I happen to disagree with some of the statements that the Senator from Penobscot, Senator Trotzky, makes. There is a difference of opinion about all these mudflats, there is difference of opinion about where the fill will be coming from, and these things will certainly all be considered in that environmental impact study. So those points I think really should

be of very little interest to whether or not we pass this legislation.

I think it is quite obvious that this legislation is an attempt to draw to the attention of the federal government that the Maine Legislature is in favor of them looking seriously at a project at Dickey-Lincoln, and I think that is what we are voting on today. I do hope you vote "No" on indefinite postponement.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that L. D. 662, "An Act Creating the Dickey-Lincoln Power Authority," be indefinitely postponed. 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 ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLLCALL

YEAS: Senators Berry, Collins, Corson, Curtis, Graham, Greeley, Huber, Jackson, Katz, Reeves, Speers, Trotzky, Wyman.

NAYS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Gahagan, Hichens, Johnston, Marcotte, McNally, O'Leary, Pray, Roberts, Thomas.

ABSENTY: Senators Graffam, Merrill.

A roll call was had. 13 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.
Sent down for concurrence.

Reconsidered Matter

On motion by Mr. Conley of Cumberland, the Senate voted to reconsider its prior action whereby Bill, "An Act Concerning the Acquisition, Maintenance and Replacement of Multi-level Private Parking Facilities under the Municipal Securities Approval Act," (S. P. 331) L. D. 1117) was Passed to be Engrossed.

Thereupon, on further motion by the same Senator, tabled and Specially Assigned for April 22, 1975, pending Passage to be Engrossed.

Reconsidered Matter

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

Mr. CYR: Mr. President, in regard to Bill, "An Act Creating the Dickey-Lincoln Power Authority," L. D. 662, having voted on the prevailing side, I now move for

reconsideration and hope you vote against me.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now moves that the Senate reconsider its action whereby L. D. 662 was passed to be engrossed. All those in favor of reconsideration will say "Yes"; those opposed will say "No".
A viva voce vote being taken, the motion did not prevail.

Senate — As Amended

Bill, "An Act to Permit Reimbursement of Attorney General's Cost of Investigation when a Permanent Injunction is Issued," (S. P. 206) (L. D. 696)

Which was Read a Second Time and Passed to be Engrossed, as Amended.
Sent down for concurrence.

Enactors

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

An Act Relating to Motor Vehicle Certificates of Title. (S. P. 217) (L. D. 716)

An Act Relating to the Disposition of Fines and Penalties Resulting from Criminal Prosecutions by Wardens. (H. P. 405) (L. D. 494)

An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly. (H. P. 1476) (L. D. 1566)

An Act to Clarify the Requirements for Voting in Municipal Elections. (H. P. 1475) (L. D. 1565)

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

Indefinitely Postponed

An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees. (S. P. 4) (L. D. 4)

Comes from the House, Indefinitely Postponed.

On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for April 22, 1975, pending Enactment.

Emergency

An Act Amending the Charter of the Paris Utility District. (H. P. 587) (L. D. 726)

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

Orders of the Day

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

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

Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — April 16, 1975 by Senator Wyman of Washington.

Pending — Acceptance of Either Report. (In the House — Passed to be Engrossed.)

On motion by Mr. Wyman of Washington, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

Senate Report — from the Committee on Business Legislation — Bill, "An Act Relating to the Registration and Practice of Professional Engineering." (S. P. 112) (L. D. 377) Ought to Pass as Amended by Committee Amendment "A" (S-61).

Tabled — April 16, 1975 by Senator Reeves of Kennebec.

Pending — Acceptance of Report.

On motion by Mr. Thomas of Kennebec, Recommended to the Committee on Business Legislation.

Sent down for concurrence.

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

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

Tabled — April 16, 1975 by Senator Troitzky of Penobscot.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.)

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for April 22, 1975, pending Passage to be Engrossed.

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

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

Tabled — April 17, 1975 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by House Amendment "C" (H-124) as amended by House Amendments "A" (H-129) and "B" (H-130) thereto.)

(In the Senate — House Amendment "C" as amended, Indefinitely Postponed, in non-concurrence.)

On motion by Mr. Carbonneau of Androscoggin, retabled and Specially Assigned for April 22, 1975, pending Passage to be Engrossed.

The President laid before the Senate the fifth 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 17, 1975 by Senator Katz of Kennebec.

Pending — Adoption of Senate Amendment "A" (S-69).

(In the House — Passed to be Enacted.) (In the Senate — Committee Amendment "A" (H-116) (Adopted.)

Thereupon, Senate Amendment "A" was Adopted.

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its prior action whereby Committee Amendment "A" was Adopted, and on subsequent motion by the same Senator, Committee Amendment

"A" was Indefinitely Postponed in non-concurrence and the Bill, as Amended, Passed to be Engrossed. Sent down for concurrence.

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

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

Tabled — April 17, 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 Specially Assigned for April 21, 1975, pending Passage to be Engrossed.

Reconsidered Matter

The following Bill was held on April 17, 1975 at the request of Senator Katz of Kennebec, pending Consideration:

Bill, "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)

(In the Senate — Passed to be Engrossed, in concurrence.)

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-74, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President, the purpose of putting this amendment on is in fact to create a Senate debate on what I consider to be an important policy issue.

There were three bills before the Committee on State Government this year with respect to veterans preference. At the present time, under existing law, veterans preference extends to career officers, even after retirement. At the present time when a department head refuses to hire a veteran sent down under veterans preference, there is a procedure pertaining to the Personnel Board which is unwieldy and makes it difficult, at least in theory, for a veteran to be passed over. And the third thing under existing law is that a veterans preference extends during his lifetime.

The bill before you, which I just proposed we amend, addresses itself to the first two questions: the question as to whether a career officer or enlisted man who is not under disability retirement should indeed have veterans preference, and also the question of the mechanics of actually dealing with the veterans question in Personnel.

The amendment goes a couple of steps further. The amendment says, in effect, that the purpose of veterans preference is to do what we can to take the veteran who has been dislocated by his service to his country and give him a foot up on the career ladder to get him started. I think that was the basic intent.

Veterans Administration programs are usually finite in length. For example, when you have educational benefits under the G.I. Bill, they last for a certain number of years, and if you don't take advantage of them under those years, they are ended. Most educational programs for veterans are for a 36 months period, depending upon your length of service. But when we

established veterans preference in the State of Maine we made it open-ended, which means — and the thought frightens me a little bit — that if I sought employment in the state, in the state house family, that I would be given a veterans preference. And I will clue ya, I haven't served in the military for, lo, these many years. I don't think that was the intent of that preference, but that is one issue.

The second issue is that this legislature and the one before it, particularly the 106th, has perplexed at length over the question of women's rights. Some members of the Senate who were in the legislature last time voted for the ERA and some didn't. Those who voted for the ERA were very clearly saying that they believe that when it comes to opportunity there should be equal opportunity regardless of sex. Those who voted against ERA, many of them, said that although we are against the Equal Rights Amendment, nonetheless, we believe in equal opportunity in employment, regardless of sex. Well, ERA was a very interesting philosophical discussion, but the real nitty-gritty of whether or not you really believe in equal opportunity for women is how you express yourself to the actual question of employment.

ERA in the post office, equal rights in the post office, is rather difficult because 95 percent of postal employees are veterans. And it should come as no surprise to you to find out that almost all veterans are male.

The question which I am proposing to you today is twofold: One, do you feel that it is sound public policy and is it your conscious intent to extend veterans preference right to the grave with respect to state employment, or is it your intent to have the state do all it can to help the returning veteran, through educational grants, through special programs for widows and orphans, through veterans preference in state employment. Is it your intent to help him get started back in civilian life, or do you intend to give him prerogatives that carry him to the grave?

The second question I raise for you — and I hope that this is not finally decided today but carries over because I think it such an important one — do you really, really want to impose barriers so that women have an increasingly difficult time in getting jobs in state employment? And how are they doing in state employment at the present time? They are not doing very well at all. Only 8.3 of women state employees have administrative or official positions. The other state employees have the typical women-type jobs, and usually it involves more typing and getting the coffee than it does assuming the responsibilities for which their education and training probably has qualified them.

So, I am not trying to get any definitive decision from you, but I just want you to go home with something to think about besides a 15 million dollar deficit, and these are the two things I would like you to concentrate on.

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

Mr. CURTIS: Mr. President and Members of the Senate: This is a complicated area. I think it is important that we identify exactly what the issues are and I, for one, am quite willing to accept the proposal of the Senator from Kennebec, Senator Katz, that we wait for a final disposition, if perhaps somebody would be willing to table this after we have

discussed it a little bit, so we can indeed think about it over the weekend.

First of all, I hope that we don't confuse state veterans preference laws with the post office, which is governed by the United States veterans preference laws and is quite different. Here we are talking about a bill affecting state law.

Secondly, veterans preference is provided equally to men and women, as long as they are veterans. And I would suggest that the question here of equal rights regarding the ERA or women employment is not a pertinent one in this particular situation.

Now, the State Government Committee held extensive hearings on this proposal. We have got one more bill that we are going to have a hearing on. And we came out with a recommendation, both from the last session of the legislature and also this year, that people who have been career military people and are on retirement from the military ought not to receive a veterans preference point when they are applying for state jobs. Our theory here is that a person is receiving a pension, has earned his retirement in one job for probably 20 years or 30 years, and the state jobs ought to be open equally to all people and not provide a preference for him.

Now, what the Senator from Kennebec proposes in his amendment, Senate Amendment "A" that is before us here, is that the preference available to other people who are not career military should be limited to five years after the time they leave service. We debated this at great length in the State Government Committee, and I would suggest that the consensus seemed to be that one step forward in reconsidering the veterans preference laws was appropriate at a time, that the five year limitation would actually opt against particularly some of the women veterans of this state.

Now, I don't usually like to get personal in debates, but in this particular instance both my wife and I happen to be veterans. Probably neither one of us will ever utilize the veterans preference points in applying for a state job. However, it is more likely that I would utilize them early in my career than my wife would, who is home right now taking care of one sick child and one who is not to sick, but two small children. However, if 20 years from now my wife should be interested in state employment, why should she not have that right to utilize veterans preference points, even if it is only her first time? The proposal that is before you presented by the Senator from Kennebec, Senator Katz, would prohibit her from utilizing the veterans preference points.

I don't want to continue the debate very long, but what is a veterans preference is a very specific topic, and I think maybe the best thing would be is that if any of the members of the Senate would like to know exactly what veterans preference means, I will be glad to provide an answer to them, because it does not mean that every veteran who applies for a state job automatically gets that job preference to somebody else. It means basically that, first of all, the veteran must pass — and we are talking about the classified service here, not the unclassified — pass the examination that is provided and meet all of the other qualifications, and provided he or she gets a passing grade, then veterans preference points, either five or ten, depending upon whether or not there is a disability, will be added to the score. And if those additional points brings that

person's total into the top six, then they can be considered for employment and are in the pool, the so-called certified eligible list, from which the appointment must be made. Thank you, Mr. President.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled and Specially Assigned for April 22, 1975, pending Adoption of Senate Amendment "A".

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Exempting Solar or Wind Power Facilities from Sales Tax", (S. P. 56) (L. D. 125), the President appointed the following Conferees on the part of the Senate:

Senators:

CUMMINGS of Penobscot
BERRY of Cumberland
HUBER of Cumberland

Committee Appointment

At this point, the President appointed to the Committee on Welcome Back Day on the part of the Senate the following Senators:

WYMAN of Washington
GREELEY of Waldo
CYR of Aroostook

Papers from the House

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

Enactor

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

Emergency

An Act Relating to Mandatory Reporting of Child Abuse or Neglect. (H. P. 1488) (L. D. 1680)

This being an emergency measure and having received the affirmative votes of 24 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mrs. Cummings of Penobscot,
Adjourned until April 21, 1975, at 5:00 o'clock in the afternoon.