

# 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, May 7, 1975

Senate called to order by the President.  
Prayer by Mr. Julius Sussman of Augusta:

Nature's Creed

I believe in the brook as it wanders from hillside into glade;

I believe in the breeze as it whispers When evening's shadows fade.

I believe in the roar of the river As it dashes from hig cascade;

I believe in the cry of the tempest 'Mid the thunder's cannonade.

I believe in the light of shining stars, I believe in the sun and the moon;

I believe in the flash of lightning, I believe in the night-bird's croon.

I believe in the faith of the flowers, I believe in the rock and sod,

For in all of these appeareth clear The handiwork of God.

Author Unknown

I believe in our Senate and our Senators, I believe in our system of government. God grant you and all others participating in that system of government the wisdom, the vision, the compassion, the forthrightness to extend a helping hand to the poor, the ill, the needy, the crippled, the handicapped, the retarded, the refugees from foreign lands, and the alleviation of all forms of human misery. May God help you to make the right decisions.

Finally, The Goal, by Henry van Dyke:

Not to the swift, the race:

Not to the strong, the fight:

Not to the righteous, perfect grace:

Not to the wise, the light.

But often faltering feet

Come surest to the goal:

And they who walk in darkness meet

The sunrise of the soul. Amen

Reading of the Journal of yesterday.

**The President:** The Sergeant-at-Arms will escort the Minority Floor Leader, Senator Conley, to the rostrum where he may serve as President pro tem this morning.

Thereupon, the Sergeant-at-Arms escorted Mr. Conley of Cumberland to the rostrum where he assumed the duties of President pro tem, and the President retired from the Senate Chambers.

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

Bill, "An Act to Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State." (S. P. 205) (L. D. 695)

In the Senate April 29, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-102).

Comes from the House, Passed to be Engrossed as Amended by the House Amendment "A" (H-251), in non-concurrence.

Mr. Hichens of York moved that the Senate Insist and ask for a Committee of Conference.

Mr. Pray of Penobscot then moved that the Senate Recede from its prior action whereby the Bill was Passed to be Engrossed, and Mr. Hichens of York subsequently requested a division.

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

Mr. PRAY: Mr. President and Members of the Senate: The intent of the motion of mine to recede is so the bill can be further

amended. I have an amendment coming up, and I would hope after we recede that we could table it and wait for my amendment to come out later in today's session.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for May 9, 1975, pending the motion by Mr. Pray of Penobscot that the Senate Recede.

**Non-concurrent Matter**

Bill, An Act Concerning Listing of Tax Exempt Real Property for Town Reports. (S. P. 496) (L. D. 1843)

In the Senate April 25, 1975, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-248), in non-concurrence.

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

**Nonconcurrent Matter**

**RESOLUTION**, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

In the House April 23, 1975, Passed to be Engrossed.

In the Senate May 5, 1975, Passed to be Engrossed as Amended by Senate Amendment "D" (S-108), 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, the Senate voted to Insist and Join in a Committee of Conference.

**Communications**

State of Maine

One Hundred and Seventh Legislature

House of Representatives

Office Of The Clerk

Augusta, Maine 04330

May 7, 1975

Honorable Harry N. Starbranch

Secretary of the Senate

107th Legislature

Augusta, Maine 04330

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Sales Tax Interest and Penalties" (H. P. 1550) (L. D. 1867):

Representatives

MAXWELL of Jay

TWITCHELL of Norway

MORTON of Farmington

Respectfully

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

STATE OF MAINE

Executive Department

State Planning Office

184 State Street

Augusta, Maine 04330

March 10, 1975

To the Governor, the Legislature and the People of Maine:

I am pleased to transmit this Report on the Management of Water and Related Land Resources in the State of Maine. The Report is a product of the Maine Guide Plan Program, a jointly funded planning

partnership of the State Planning Office and the New England River Basins Commission initiated by formal agreement on December 2, 1971. The broad objectives of the Guide Plan Program are to provide a preliminary plan for the wise management of water and related land resources designed to achieve broad social goals through balancing economic development and environmental conservation. We believe that the Report will aid significantly in our gaining a better perspective of Maine's vital natural resources.

The results of our efforts to date serve to bring to the attention of all concerned the need for:

—a formal organizational mechanism for the development and coordination of overall land and water resource policies;

—the adoption of comprehensive planning processes relating to water and land resources;

—cooperation with neighboring states and other jurisdictions concerning regional issues; and

—a unified and positive influence on the future course of national water and related land resources policies.

The reason why State institutional arrangements are so important is the pervasive nature of the water and land resources issues. The State's economy hinges on the allocation and conservation of these resources. To insure a continued pattern of well-being, we need to improve the coordination of all the State functions related to water and land resources. Grand and sweeping schemes are not only costly but unnecessary. We simply need to integrate the specific expertise the State already possesses and focus on the solution of today's complex problems. (S. P. 513)

Sincerely,

Signed:

ALAN D. GOODWIN

Acting Director

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

Sent down for concurrence.

STATE OF MAINE

Department of Audit

Augusta, Maine 04330

May 6, 1975

To Governor James B. Longley and Members of the One Hundred and Seventh Legislature

In compliance with statutory requirements, I submit herewith the 55th Annual Report of the State Auditor for the fiscal year ended June 30, 1974. The financial data presented are based on the accounting records maintained in the Bureau of Accounts and Control.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc., during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund

transactions and balances recorded and controlled locally by State agencies and not reflected herein, the commentary and statistical information present fairly the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1974 in conformity and with generally accepted governmental accounting principles applied on a consistent basis.

This report has been reduced to commentary and statistical information in order to implement recommendations from the Maine Management Cost Survey Commission. Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1974 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the Staff of the Department of Audit for their continued loyalty and devotion to duty and to the State officials for their cooperation with this department. (S. P. 512)

Respectfully submitted,

Signed:

R. M. RIDEOUT, JR.  
State Auditor

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

Sent down for concurrence.

#### Committee Reports

##### House

##### Leave to Withdraw

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution to Allow Seasonally-occupied Homes to be Taxed at a Special Rate. (H. P. 1034) (L. D. 1321)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which report was Read and Accepted in concurrence.

##### Ought to Pass

The Committee on State Government on, Bill, "An Act Providing Compensation for Public Members of the Maine Municipal Bond Bank." (H. P. 872) (L. D. 1078)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act to Allow the Seed Potato Board to Test Foundation Seed Potatoes and to Sell Potatoes Grown on Land Owned by that Board." (H. P. 1016) (L. D. 1296)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Retirement Credit for Superior Court Justices for Time of Service as a District Court Judge." (H. P. 1200) (L. D. 1495)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act Relating to Clarification of Interlocking Loans under the Maine Consumer Credit Code." (H. P. 1180) (L. D. 1481)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act to Establish the Department of Electric Works Within the Town of Madison." (H. P. 1240) (L. D. 1737)

Reported that the same Ought to Pass.

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

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

The Committee on Education on, Bill, "An Act Relating to Access to Written Records Concerning Elementary and Secondary School Pupils." (H. P. 975) (L. D. 1269)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-252).

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

##### Ought to Pass — As Amended

The Committee on State Government on, Resolve, Authorizing the Director of the Bureau of Forestry to Convey the Interest of the State in and to Certain Land in Medford, Piscataquis County. (H. P. 181) (L. D. 231)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-240).

The Committee on Public Lands on, Bill, "An Act to Include the Right to Use Submerged Lands as Part of Environmental Licensing." (H. P. 567) (L. D. 703)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-246).

The Committee on Public Lands on, Bill, "An Act to Improve the Management of the Public Lands." (H. P. 703) (L. D. 930)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-247).

The Committee on Business Legislation on, Bill, "An Act Concerning the Maine Consumer Credit Code and the Insurance Statutes." (H. P. 789) (L. D. 962)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-245).

Comes from the House, the Bills and Resolve Passed to be Engrossed as Amended by Committee Amendments "A".

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

##### Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act to Extend the Hours for Sale of Liquor During the Tourist Season." (H. P. 1358) (L. D. 1660)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-242).

Signed:

Senators:

CARBONNEAU of Androscoggin  
DANTON of York

Representatives:

JACQUES of Lewiston  
FAUCHER of Solon  
MAXWELL of Jay  
DYER of So. Portland  
PIERCE of Waterville  
PERKINS of Blue Hill

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

Signed:

Senator:

GRAFFAM of Cumberland

Representatives:

LIZOTTE of Biddeford  
TWITCHELL of Norway

IMMONEN of West Paris

RAYMOND of Lewiston

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

Mr. Graffam of Cumberland then moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

On motion by Mr. Marcotte of York, a division was had: Nine having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

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

##### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to Compensation for Minors Delivering Newspaper Supplements." (H. P. 910) (L. D. 1109)

Reported that the same Ought Not to Pass.

Signed:

Senators:

THOMAS of Kennebec  
REEVES of Kennebec  
JOHNSTON of Aroostook

Representatives:

BOUDREAU of Portland  
CLARK of Freeport  
DeVANE of Ellsworth  
PIERCE of Waterville  
BOWIE of Gardiner  
RIDEOUT of Mapleton  
BYERS of Newcastle  
PEAKES of Dexter

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

Signed:

Representatives:

HIGGINS of Scarborough  
TIERNEY of Durham

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

Which reports were Read.

Mr. Thomas of Kennebec then moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT pro tem: The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: It is with a great deal of reluctance that I rise to oppose my good friend from Kennebec, Senator Thoams, but I feel that we will be making a great mistake were we to accept the Ought Not to Pass Report on this matter.

I remember back when I was nine years old and a newspaper boy -- and I can assure the members of the Senate that at the age of nine I was neither larger or stronger than I am now -- and I remember struggling along the street with my sack of newspapers when they had a lot of extra supplements in them, and I can assure you that it adds up.

Now, just notice today's Bangor paper. It has not one, it has not two, but it has three additional advertising supplements in it. Granted, the weight of these three in one newspaper doesn't amount to very much, but when you take a pile of newspapers the weight increases. For example, these are a few supplements removed from newspapers delivered to the

legislative post office this morning. They are not all the supplements from all the papers; just a representative sample, and you can see that this starts to add up a little bit. When you are walking down the street for several miles over your paper route with a pile of extra weight such as this, it is pretty taxing on a small child. And I feel that if the newspaper is going to get an extra amount of money for having their machinery insert these supplements into the papers, the very least they can do is divide that additional profit with the newsboys and the newsgirls, the people who have to carry this weight and who actually distribute it to the consumers.

Therefore, I would ask for a division and hope you would join me in defeating the motion to accept the Ought Not to Pass Report and we can give this bill its first reading.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Thomas.

Mr. THOMAS: Mr. President, I am rather amused at this point because this is known as the mothers' issue, and Mother's Day is Sunday, and neither my good friend, Senator Corson or I are married. Therefore, we better not have children. However, I would like to debate the merits of the bill.

The first line of the bill reads, "No person, firm or corporation, or their agent, shall employ any person under 18 years of age." These newsboys and newsgirls are not employees of the newspaper concerns; they are self-employed people.

Now, Senator Corson brought up the distribution method when he was nine years of age. We have since learned in our committee that the distribution system is different. When I was a little boy I was not a newsboy, I know that, but the children had to go to the Waterville Morning Sentinel and get their papers, which meant they walked miles. I assume that is what happened when Senator Corson was delivering papers. That is not what happens today. Some of the firms deliver the newspapers to the children's homes. Others deliver them to a nearby center where they can pick them up.

Now, it is true that these supplements or inserts are in. This was in one of the papers that I got this morning, I think the Press Herald, and this was in the K.J. Most of these are printed in Maine. Most of them are printed in Biddeford and Belfast, Maine. I am sure the K-Mart one was printed in Maine. Now, this does not add to the weight of the newspaper, because if these are banned, you know where it is going, in the newspaper. They are not going to stop advertising. These supplements or inserts will be in the newspaper itself, which is more work and does not lower the weight for the newsboy. And don't forget, as the newsboy gets carrying his little load the weight lessens until he ends up with zero weight.

The average newsboy or newsgirl in the State of Maine has 58 customers, and the average time spent in delivering the newspapers is 40 minutes, and the most is one hour.

I call for a roll call on this motion.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Johnston.

Mr. JOHNSTON: Mr. President and Members of the Senate: Having signed the Ought Not to Pass Report on this bill, I would like to mention just a couple of facts.

There was one newsboy there present on the day of the hearing to testify, and I

asked him how he enjoyed being a newsboy, and he said Monday, Tuesday and Wednesday it was a pretty good avocation, and then Thursday it wasn't quite so good, but everything was fine again on Friday when he got his money. He seemed to be very pleased with the situation as it now is.

The price tag on this to the newspapers is \$160,000. That price tag will be paid for not by the newspapers, as we all know, it will be paid for by the businessmen of the State of Maine. And if the members of the Senate think that those big-hearted newspapers are going to pass that 160 grand on to those newsboys, then we are not in tune with the same Maine dailies. I strongly suspect that the newsboys will get nothing from this and that the Maine businessmen will pay the \$160,000 and Mr. Dam will have passed his bill. I certainly hope that doesn't happen. And I am sorry I mentioned a member of the other body, Mr. President.

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

Mr. HICHENS: Mr. President and Members of the Senate: I rise in opposition to the motion to accept the ought not to pass report. I spoke at the hearing on two previous occasions but didn't get there this year.

Like the good Senator from Somerset, I was once a newsboy, back long before he was, when newspapers sold for 2 cents a copy, which made 12 cents a week, and I was able to take home a penny and a half a week for each six papers that I delivered for that week. But they didn't have supplements in those days. I will grant you that with the advertisements they had in Friday's papers that they were a little heavier than they were the other days of the week.

Two years ago — and I should have checked again this week, but I didn't realize the bill was coming up before us today — the newspapers get 3 cents for every supplement they put within the papers, and why they can't pass at least 1 cent of that 3 over to the youngster that is carrying the load for them is beyond my comprehension.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Thomas.

Mr. THOMAS: Mr. President, May I answer the question that Senator Hichens just brought up? It would be a tremendously difficult bookkeeping system for the newspapers to pay 1 cent to each newsboy or newsgirl because on some days there are no supplements, therefore, they would have a tremendous bookkeeping problem.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Thomas, has requested a roll call. In order for the Chair to entertain a roll call, it requires the affirmative vote of at least one-fifth of those present. All those in favor of a roll call will please rise.

Obviously more than one-fifth of those present having risen, a roll call is ordered. The question before the Senate is the motion of the Senator from Kennebec, Senator Thomas, that the Senate accept the Majority Ought Not to Pass Report of the Committee. If you are in favor of accepting the Majority Ought Not to Pass Report you will vote "Yes"; if you are opposed you will vote "No."

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Collins, Curtis, Cyr, Gahagan, Graffam, Greeley, Huber,

Johnston, Katz, Marcotte, Reeves, Roberts, Speers, Thomas, Trotzky.

NAYS: Senators Carbonneau, Corson, Cummings, Graham, Hichens, Jackson, McNally, Merrill, O'Leary, Pray, Wyman.

ABSENT: Senatos E. Berry, R. Berry, Cianchette, Clifford, Danton.

A roll call was had: 15 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with six Senators being absent, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Allowing a Bureau Chief in the Department of Business Regulation to Serve Simultaneously as the Commissioner." (H. P. 1042) (L. D. 1333)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CURTIS of Penobscot  
GRAHAM of Cumberland  
WYMAN of Washington

Representatives:

COONEY of Sabattus  
KANY of Waterville  
LEWIN of Augusta  
STUBBS of Hallowell  
PELOSI of Portland  
CARPENTER of Houlton  
WAGNER of Orono

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

Signed:

Representatives:

QUINN of Gorham  
FARNHAM of Hampden  
SNOWE of Auburn

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

Which reports were Read.

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

Mr. BERRY: Mr. President, I would move that the Senate accept the Minority Ought to Pass Report and speak to my motion. I note that the three members of this body in the committee voted the opposite way.

The purpose of the bill, along with another bill which I filed and was heard the day before yesterday, is to put in effect a minor economy and to correct a situation which developed as a result of some language which needs to be replaced in the statutes which formed the present Department of Business Regulation. This department, as you will recall, was primarily formed by the consolidation of the Department of Insurance and the Department of Banking. These two former departments are now bureaus with their respective superintendents.

At the time the legislation was passed and those of you who were here before will recall this was passed as rather a last minute operation, and it was the final of the consolidation and governmental reform bills which the legislature enacted — I won't say there was any haste in the matter, but there might have been an oversight or two, and it is these oversights that these two bills that I am referring to attempt to correct.

Now, the oversights resulted in the former commissioner of the department exceeding the authority granted by the



legislature in the administration of the Department of Business Regulation. The law as enacted rather clearly spelled out that the commissioner was not to dip down into either bureau and interfere with the professional operation of either banking or insurance. This did not happen. The commissioner did interfere in the professional operation of these two very important bureaus, quite contrary to the statutory limitations. As a matter of fact, there are indications that some of the dedicated revenues of the two departments were used.

In the preparation of the budget now before the Appropriations Committee and this legislature, the then commissioner requested some over \$100,000 of dedicated revenues be appointed to her office for the administration of that office. Now, I would point out that the statute is quite clear, with these two exceptions I am talking about, on the powers of the office: They primarily are the consolidation of budget requests and the efficient utilization of stenographic personnel, vehicles, and what would be called the administrative aspects of the new department. So one wonders why we need \$100,000 of new money for this purpose, and by what stretch of the imagination or stretch of the statutes would the commissioner request dedicated revenue which very definitely should have stayed in those two bureaus. Quite properly, the governor's office cut out this money, and the original request, exclusive of the dedicated revenues, was to cut \$79,000 for the biennium.

The present bill would permit or authorize the continuation of one of the bureau chiefs, one of the superintendents, to act as commissioner. Now, you can see the efficiencies involved here. It has been quite conservatively estimated that the office of commissioner could be run for \$24,000 for the biennium. This would save some \$55,000 in the biennium if the present set-up of having one of the two superintendents act as Commissioner of the Department of Business Regulation. There seems to be no particular objection to this. The duties, to say they are not onerous is to put it mildly. There is precious little to be done by the Commissioner of the Department of Business Regulation.

We have here an opportunity to save some money. This is \$55,000 that is in the budget right now being considered by the Appropriations Committee that should be deleted. I won't say that the present set-up can't be continued and that the governor could not continue to have an acting department head, but it certainly would be far better, in the spirit of running our state government on an efficient basis, to make it law and make it permissible under the law.

Consequently, I would hope that, with all respect to my three confreres on here, the members of this body would see fit to vote with me to accept the ought to pass report.

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

Mr. CURTIS: Mr. President and Members of the Senate: I hope you vote against the pending motion. The reasons of the committee would be that the objections expressed by the Senator from Cumberland, Senator Berry, can be handled already through the appropriations procedure, and that finally when the legislature created the Department of Business Regulation, it was done very carefully, with an attempt to balance the concerns of the previously

existing departments which were being combined, the two largest of which were insurance and banking.

If we now do away with the balance that was thereby established, probably either a banker or an insurance man will become commissioner of the overall department, and we are concerned about the needs and the desires and the interests of that other main part of the Department of Business Regulation not being carefully taken into consideration.

So, finally, I would suggest that this is an unnecessary piece of legislation and that the savings discussed by the Senator from Cumberland, or most of the savings discussed by him, can already be realized through careful use of the review of the budget. Thank you.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I would like to second the remarks of the good Senator from Penobscot, Senator Curtis, and say that I think this is a very important issue, that there should be an independent Commissioner of Business Regulation who is in very essence a protector of the consumer, and therefore, that position is extremely important and should be maintained as it is, independent of any of the bureaus.

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate accept the Minority Ought to Pass Report of the Committee. All those in favor of accepting the Minority Ought to Pass Report of the Committee will signify by saying "Yes"; all those opposed "No".

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

The PRESIDENT pro tem: The Chair would interrupt debate at this time to recognize in the rear of the chamber one of the most distinguished, young and lovely senior citizens of the State of Maine. Many of us have known her through the years and have worked with her. She is Mary G. Worthley, and today the Senate is certainly delighted to share with the other branch recognition of this very distinguished and charming woman and proclaim Mary G. Worthley Day.

Would the Sergeant-at-Arms escort Mrs. Worthley to the rostrum so that a plaque could be presented on behalf of the President and the members of this body.

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

Mrs. WORTHLEY: Thank you. May I make a remark or two? I am very touched and I find it very heartwarming that people should care enough and be concerned enough to give me this honor, and I cherish it very much. I say that all the times that I have been working since the mid-1940's for the unfortunate in the State that the people who have supported me the most and have given me the greatest support and the greatest encouragement, and told me what I should do that I didn't do and helped me along, have been the legislators, and I have always said this. They have been very dear to my heart.

I will tell you something that might interest you. Everybody knows my stand on the liquor question, I am agin it and have fought it tooth and nail. Now, let me tell you something. When I started to

launch my first big bill for the retired teachers, which was going to cost about 300 thousand, a Senator put in another one, which would diminish that very much for only a small number of teachers, so I was sitting, on the day before it was going to be voted, out on one of the settees there, feeling very glum, and a liquor lobbyist — I have forgotten his name, but a very fine dear lobbyist, who has since died, a splendid gentleman he was, who used to send me flowers when I was sick — came by and he said "how is your bill coming?" And I said "Oh, it is dreadful, they are going to kill it, they are just going to kill that bill." And he asked me a few questions, and he said "I will speak to a few". And when that bill came up in the House it was a fair treat to see all the liquor boys get up and say how they loved their dear old teachers, they did not want them to come to want, and they wanted them to have comforts in their old age. So you can say I was fairly launched on my career by the liquor industry. (Laughter) And for which I am now paying my debts.

I also say that I have lived in a fortunate time, because the mid-40's to the mid-60's was the heyday of the volunteer and the volunteer organizations. That was a time when most of the services for the disadvantaged were started. The first one was the retarded, started by Elizabeth Levinson and Dr. Bowman. Then came mental health, came the pensions for retired teachers, the homemakers, the aging and a score of others. After that the government stepped in and said the states are no longer able financially to carry on this business so we can help you; we will give you money and we will give you guidelines, and if you prepare your guidelines for your region, that will be acceptable to the government, then we will aid you in this way. You must regionalize your state and you must adopt advisory committees. I happen to think that the advisory committee does not take the place of a volunteer group, because I believe that in order to carry on the humanitarian groups you must have a broad base of public opinion. I think we need to go back to the original volunteer group.

Now, let me thank you all again. It is a pleasure to stand up here, and Gerard, we have met before, haven't we, on various things. I see many kindly faces here, and I am grateful to you all, and thank you very much. I shall cherish this warmly and your kindness and thoughtfulness. Goodby.

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

The PRESIDENT pro tem: Is it now the pleasure of the Senate to accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Allowing a Bureau Chief in the Department of Business Regulation to Serve Simultaneously as the Commissioner", L. D. 1333?

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Thereupon, on motion by Mr. Curtis of Penobscot, the Bill and accompanying papers were Indefinitely Postponed in concurrence.

#### Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act to Permit Payment of Fines by Offers in Compromise From Beer and Wine

Wholesale Licensees and Holders of Certificates of Approval in Lieu of Suspension." (H. P. 1072) (L. D. 1352)

Report that the same Ought to Pass.

Signed:

Senators:

GRAFFAM of Cumberland  
CARBONNEAU of Androscoggin  
DANTON of York

Representatives:

JACQUES of Lewiston  
FAUCHER of Solon  
DYER of So. Portland  
IMMONEN of West Paris  
PERKINS of Blue Hill

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

Signed: Representatives:

LIZOTTE of Biddeford  
TWITCHELL of Norway  
MAXWELL of Jay  
RAYMOND of Lewiston  
PIERCE of Waterville

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-250).

Which reports were Read.

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

Mr. KATZ: Mr. President, may I request through the Chair the implication of this piece of legislation?

The PRESIDENT pro tem: The Senator from Kennebec, Senator Katz, poses a question to any members of the Senate who may respond if they so desire.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: What this bill does is for the wholesalers, in the event they are found in violation, that instead of losing their license for a period of ten days they can take and pay a fine. In that way you don't close them up and don't allow their employees to be out of work for a period of ten days. I think in the last five years there were something like two violations of the wholesalers, for a period of 20 days.

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

Mr. KATZ: Mr. President, as in the trucking bill, we are now permitting the industry to make some economic judgments as to the benefits of the violation versus the size of the fine. Might I have some reassurance that this bill levies a heavy enough fine and acknowledges repeated violations, so that nobody will be tempted to weigh the benefits against the costs?

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Graffam.

Mr. GRAFFAM: Mr. President, I think the fine is \$75 a day for every working day. I guess the object of this bill is not only to protect the wholesaler; it was to protect all of the merchants that depend on delivery. If the wholesaler were closed down, they would be unable to get their particular brand, and whatnot, so it would be unfair to the retailer. He would have to close shop if he couldn't get his merchandise. In this way here, he can continue getting delivery and the wholesaler would pay a fine. If the sentence was ten days, I think it is \$75 a day for each day that his license was suspended.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and

Members of the Senate: Also in this bill it is up to the hearing judge; he can allow or disallow it. He can make the determination of whether they can pay the fine or whether they should be suspended.

The PRESIDENT pro tem: Is it now the pleasure of the Senate to accept the majority Ought to Pass Report of the Committee?

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

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Remove the Inheritance Tax Exemption for Life Insurance Proceeds in Excess of \$50,000 and to Increase the Inheritance Tax Exemption for Husbands and Wives." (H. P. 557) (L. D. 686)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-238).

Signed:

Senator:

MERRILL of Cumberland

Representatives:

MAXWELL of Jay  
DRIGOTAS of Auburn  
FINEMORE of Bridgewater  
SUSI of Pittsfield  
MULKERN of Portland  
COX of Brewer  
TWITCHELL of Norway

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

Signed:

Senators:

WYMAN of Washington  
JACKSON of Cumberland

Representatives:

IMMONEN of West Paris  
MORTON of Farmington  
DAM of Skowhegan

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

Which reports were Read.

Mr. Wyman of Washington then moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. Collins; Mr. President, I arise to oppose the motion of the good Senator from Washington, Senator Wyman, and to support the majority report of the committee.

This bill, as I see it, is a move toward more equitable taxation of the assets that pass at the time of death. The title as it appears in your printed calendar is somewhat misleading, and it is important to know what the amendment does. The amendment establishes that the life insurance proceeds in excess of \$25,000 shall be subject to tax, and it further provides that the exemption available to a surviving spouse shall be \$20,000.

In looking at our taxing system, as we must from legislature to legislature, our objective must be constantly to obtain a structure that has real equity and with recognition of current economic realities, and I have taken an interest in this particular bill because of recent changes in the federal tax laws and changes in estate planning resulting therefrom which, in my judgment, provide bigger and bigger loopholes for the non-taxability of life insurance.

As many of you know, I have earned my living for many years as a country lawyer, and in that function I frequently have occasion to help with the planning of estates and to participate in the settlement of estates, and I would like to give you two examples out of my own experience which illustrate the point which this bill addresses.

Example No. 1: The husband, a retired wage earner with a meager pension and social security as his income dies, leaving everything to his widow. He has life savings of \$5,000 and a modest home, which includes three acres of land with 100 feet of frontage on the lake. Because of the lake frontage, the property appraises at \$38,000. We will round off these figures a bit and say the deductible expenses are \$3,000. So there is a gross taxable estate, after the expenses, of \$40,000. Now, under the present law, the widow has an exemption of \$15,000, and this leaves a net taxable estate of \$25,000, so the widow must pay an inheritance tax to the State of Maine of \$500. On this size estate, of course, there is no federal tax involved.

Now, let's take Example No. 2: In this case the husband retired from a long career with a company which had an employee benefit plan featuring life insurance. At death the plan pays \$150,000 to a living trust for the benefit of the widow, arranged in a technical manner so that when the widow is dead at least part of the trust will go in remainder, at the death of the widow, to the three children of this couple. Now, this trust is drawn to contain the proper language to protect the proceeds of this insurance from any federal estate tax. The car and the furniture and the savings account add up to, let's say \$18,000, and there is deductible \$3,000 for debts, funeral and expenses of administration. In this case everything is for the benefit of the widow as long as she lives, although the trust has a provision that takes roughly half of the estate to the children when she is gone. Now, there is no real estate in this illustration, as the couple rented an apartment. So you have a gross value of \$168,000 and expenses of \$3,000. The net assets that are available in this illustration for the benefit of the widow are \$165,000.

Now, under the present law in the State of Maine, the insurance proceeds of \$150,000 are not taxable at all, and the exemption that the widow has of \$15,000 takes care of anything else, so that this particular estate pays to the State of Maine not one penny.

So you have the question here: in one case the \$165,000 of values contributing nothing, and in the other case \$40,000 of values contributing \$500, and I ask you is that fairness in a system of taxation?

Now, if this bill is passed, the result will be that in case No. 1, let's call her the poor widow, she will pay \$100 less in tax, and in the second case the estate will pay \$1800 to the State of Maine out of that \$165,000. This is not, obviously, a complete redress of the situation but it moves in that direction, and apparently a majority of the Committee on Taxation agreed with that view.

When I first began my career, the exemption for a spouse was \$10,000. About fifteen years ago that exemption was increased to \$15,000. Since that last change inflation has more than doubled the value of most real estate and many other investments. The big thing is a look at the future. We don't know what will happen to the federal tax laws, but we do know that under present federal tax laws there is a very comfortable place for a tax shelter in the use of life insurance, and that means

that many people in corporate positions, and this includes small town merchants and small town professional men, many of whom are now incorporated, it means that those folks are going to be enjoying the federal tax shelter and that a bigger portion of their assets at time of death are likely to wind up in this category, which also has a complete tax shelter in the State of Maine.

Now, I invest a goodly percentage of my personal income in life insurance, and I recommend it to others. I think it is an important function of planning for family protection, protecting your spouse and your children or others who are dependent upon you. But I really see no just reason to completely exempt the proceeds from the Maine inheritance tax. And you will see in the history of this bill that the committee has taken what started out to be a revenue loser and by amendment has converted it into a piece of legislation that costs the state absolutely nothing; it is a washout, but it changes the equities of our tax system, and this is what I ask you to consider when you vote on this bill.

The PRESIDENT pro tem: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I have listened with interest to the comments by the good Senator from Knox, Senator Collins. It seems to me that in order to correct the injustices caused by high real estate taxes he proposes to adjust upward the costs on life insurance.

Now, it seems to me that this is in reverse. We should try to do something about the high real estate taxes on the homes in which these good people live. The death benefits for widows and orphans should not be reduced by Maine state inheritance taxes. The death benefits of life insurance are a unique property and they should not be taxed. Most states do not tax death benefits to named beneficiaries, and life insurance premiums are already taxed through the premium tax.

Now, this may be a tax haven, but it seems to me that people who are inclined to save for their old age and have life insurance, at least. I think they will pay their life insurance premiums much more quickly than they will make deposits in the bank. I think to try to put a greater burden on life insurance in order to equalize it with real estate taxes is going in the wrong direction, and I certainly hope the Senate will support the ought not to pass report of the committee.

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

Mr. KATZ: Mr. President, the debate this morning has clearly indicated that there is not complete confidence in our tax structure, either property tax or estate tax, and I might add income tax, because the examples that the Senator from Knox, Senator Collins, gave so skilfully are probably even more applicable to income tax, where a person who has an income of \$100,000 in tax exempts pays nothing, but the poor factory worker who is scrounging at something like minimum wage has to pay something.

I suggest to you that the committee has dealt with a very complicated problem,

and I am not confident that they have come up with an equitable solution. For example, in the committee amendment they have taken the figure of \$50,000 in the original bill and reduced it to \$25,000. Well, I suggest to you that \$25,000 in life insurance today does not relate to affluent people. The ordinary Maine worker might very well have sums of money in excess of \$25,000. I suspect that when I got G.I. insurance at the \$10,000 level it seemed to be a lot of money, but today I think G.I. insurance, which is so important in the estate planning of our veterans, it seems to me I recall it is up to \$20,000, and if you leave your dividends in there it is very possible that G.I. insurance reaches the \$25,000-plus level.

I do not have confidence that this attempted reform through the vehicle of this bill gets to the heart of the problem of inequity, and I have an uneasy feeling that we are attacking by a patchwork method a much bigger problem. I would hope there would be a review of our total tax policy, but I would strongly urge the Senate not to do it based upon an L. D. that was introduced to create one set of circumstances and now has been amended to create a completely separate set of circumstances.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I rise to support this bill and just to say that I concur with the feelings of the Senator from Knox, Senator Collins. I am not anxious to place a tax upon the proceeds of insurance a Maine tax, however, I am cognizant, as I am sure is the rest of the Senate, that insurance proceeds are already taxed by the federal government. They don't receive any sacrosanct treatment there. They are thought of and looked upon as any other part of the estate at the time following death of the person who is insured by the policy. I think the federal government policy is the correct one. I think it avoids what could be a tax loophole.

But most importantly, I think, this bill should be looked upon as a bill that increases the exemption that we allow for a grant of property from the deceased to the spouse. It seems to me that this is a worthwhile tradeoff that we make in this bill, even if we are troubled by the idea of taxing life insurance. It seems that whatever policies we want to follow in regards to the protection of estates and allowing them to be handed on or not allowing them to be handed on, depending on our philosophical views, that we probably all agreed that there ought to be provision in the law for the spouse to leave to the spouse who survives sufficient property and sufficient things of value so that they can go on as much as possible and maintain the standard of living that they had previous to the death of their spouse.

This bill makes a modest, I think, but important increase in the spousal exemption. I think that this should be the most important consideration when we look at our estates and decide what tax policies we want to follow. And if it comes to a question of whether or not we tax insurance policies over \$25,000, or increase the spousal exemption, I think that is an easy one. I think that all the arguments of equity are on the side of increasing the spousal exemption. And the fact of the matter is that I think we would have been irresponsible if we had passed out

something to increase the spousal exemption without providing some way for these monies to be recovered by the state.

Now, as to the remarks of the Senator from Kennebec, Senator Katz, I have noted over the last few days that in examining legislation he has, as he did in regards to this, asked that the legislation sort of cure all the woes in that area, that the legislation be designed in such a comprehensive way that all the inequities of the tax system that we have will be done away with overnight. Well, I suggest that would be quite a task, and passing it would be an even greater one, when we get done going all the oxen that such a proposal as that would have. I think we have to look at these programs on their own merits, make a decision as to whether or not this is a contribution in the direction of equity — I believe it is — and then vote for this legislation for that reason. Thank you.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President and Members of the Senate: In my experience as a judge of probate, there have been many, many estates pass through the probate office in York over the twelve years that I sat there. And although no one likes to see an increase in taxes, and this is one way to get an increase in an exemption and not cost the state anything, I feel you can make just as good a case for doing it another way.

The way I felt it should be done, if it were going to be done, is that if you are going to increase the exemption for the widow or widower — and I am sure that deserves increasing because of the inflationary period that we live in today — I think it should be done by a slight increase in the rate of the tax when the property becomes taxable. In other words, at the moment anybody in the immediate family is taxed at the rate of 2 percent, and eventually over \$100,000 it goes to 3 percent. Now, you could move that back and have the 3 percent start at \$50,000, and you could also perhaps increase the tax, which is considerably higher, on people who are not within the immediate family relationship.

I would like to say that you can take examples, and I have an almost identical case to the one Mr. Collins suggested in the office at the present time. The only difference is that in my case the property, which we will say is worth \$38,000, is owned jointly. And I think you will find today among the ordinary less affluent people that joint ownership of real estate is extremely common. Probably as high as 90 percent of those people own their house in joint tenancy. If that were the case in Senator Collins' example, the amount left to be taxed would have been \$7,000, and the tax which would have been paid would have been \$140, as against the \$500 figure.

I also happen to have a situation in the office where there is a widow who will get something over \$100,000, all from insurance, and it will all be tax free, as Senator Collins indicated. However, let's look at this situation that I have: This person at 35 years of age has three small children to bring up. The entire estate is made up of insurance. There is some \$40,000 worth of bills to be paid out of that insurance in the form of mortgage and other payments. Her husband was a pilot or assistant pilot, whatever they call them, a flight officer, for United Airlines. As a result, the estate consists entirely of insurance, and of this \$100,000, 40 of it, approximately, is going to have to be paid



by the widow just to pay off the mortgage and debts, and beyond that she will have the balance. But she will have the children to bring up, other than what help she gets from social security. In that case I don't think she could very well afford to pay even the 2 percent on the life insurance. So where you help one you don't help another.

I feel that if they want to increase the exemptions, and I think they should be increased, they should increase the tax further along to offset it, rather than taking away something that now is a help mainly, as Senator Katz indicated, to the small and relatively average person rather than the person who is better able to pay the tax.

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

Mr. WYMAN: Mr. President and Members of the Senate: Sometimes it seems to me that we make it more difficult for people to help themselves and to keep from having public aid. Now, admittedly, real estate taxes in the cases which have been mentioned are a burden to the people who have to bear them, and I think they are an inequity and we should try to do something to correct it for people who live in their homes. But I don't think two wrongs ever made a right, and I think if we pass this bill it will simply be another inequity, and I certainly hope the Senate will vote to try to help these people who try to help themselves. And may we have a roll call please?

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Washington, Senator Wyman, to accept the Minority Ought Not to Pass Report of the Committee. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of all those present. Will all those in favor of a roll call please rise until counted.

Obviously more than one-fifth of those present having arisen, a roll call is ordered. The Chair will restate the question. The pending motion is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Minority Ought Not to Pass Report of the Committee. If you are in favor of accepting the Ought Not to Pass Report you will vote "Yes"; if you are opposed you will vote "No".

The Secretary will call the roll.

**ROLL CALL**

YEAS: Senators R. Berry, Carbonneau, Cianchette, Corson, Cummings, Curtis, Cyr, Danton, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Martotte, McNally, O'Leary, Pray, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Collins, Gahagan, Graham, Merrill, Reeves.

ABSENT: Senators E. Berry, Clifford.

A roll call was had. 24 Senators having voted in the affirmative, and five Senators having voted in the negative, with two Senators being absent, the Minority Ought Not to Pass Report of the Committee was Accepted.

**Divided Report**

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Concerning the Possession of Firearms During the Open Season on Deer." (H. P. 952) (L. D. 1191)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1549) (L. D. 1866)

Signed:

Senator:

PRAY of Penobscot

Representatives:

TOZIER of Unity  
MILLS of Eastport  
USHER of Westbrook  
KAUFFMAN of Kittery  
DOW of West Gardiner  
WALKER of Island  
MARTIN of St. Agatha

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

Signed:

Senators:

McNALLY of Hancock

Representatives:

CHURCHILL of Orland  
PETERSON of Caribou  
MacEACHERN of Lincoln

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

Mr. McNally of Hancock moved that the Bill and accompanying papers be Indefinitely Postponed.

The PRESIDENT pro tem: The Senator has the floor.

Mr. McNALLY: Mr. President and Members of the Senate: This bill in the redraft says that during 1975 and 1976 in the regular open season on deer in Wildlife Management units 7 and 8 — note only two — no person, after he has registered a deer under section 2355, shall possess any firearm other than a shotgun or possess any shot shell containing larger than No. 6 shot in the fields, forest or on the waters or ice of this state, and this section shall not apply to persons hunting raccoons as provided for in chapters 301 to 335, nor hunting waterfowl from a boat or blind in conjunction with waterfowl decoys.

Now, it says in the statement of fact that this bill will aid the enforcement of the hunting statute and will reduce hunting accidents, and it also could provide for more hunting days.

Well, I might not be considered too well versed on some of these statements but, in the first place, I don't see how the enforcement of this statute, which is practically impossible to enforce, would reduce hunting accidents unless everybody that hunted didn't have any guns, and then of course you couldn't shoot anybody, and how it is going to provide for more hunting days is more of a mystery still. But let's look into it a little bit.

It is going to be hard to enforce. The game warden has only seen a hunter probably once, when he noted that his license has been tagged, and he is carrying a gun, and if it happens to be an over and under with a shotgun and a rifle barrel, there is some question about whether he might have secreted a rifle shell besides those No. 6 shot to go in that shotgun barrel. It also, in my mind, will cause more deer to be tagged by hunters that never shot them, like the ladies that sometimes go hunting and don't hunt too hard.

I think it will go along with the law they have whereby they reclaim ponds and then stock them with trout, and then they put signs all around them and say "Limit 5 fish per person". And the people around the ponds and away from the ponds, at least down our way, they rush in and they catch five fish, and they catch them pretty quick and easy, and back home they go and put them away, and back they come again and catch five more, and so on and on. This looks to me like another bill that would run along just about that way.

But the thing I am disturbed about more than anything else is that I am not one that is going to go on record as believing there are more outlaws that will be hunting in units 7 and 8 than there will be 1, 2, 3, 4, 5, 6, and so forth. Now, I think that it is a good bill to put where it ought to be.

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

Mr. PRAY: Mr. President and Members of the Senate: Again another matter of the Fish and Game Committee has come before this body with another divided report with the good Senator from Hancock and myself on different sides. I wholeheartedly agree with the Senator and I hope we all support his motion.

The PRESIDENT pro tem: The pending motion before the Senate is the motion of the Senator from Hancock, Senator McNally, that the Senate accept the Minority Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed.

**Divided Report**

The Majority of the Committee on Election Laws on, Bill, "An Act to Clarify Provisions of the Election Laws." (H. P. 27) (L. D. 35)

Reported that the same Ought to Pass.

Signed:

Senators:

CORSON of Somerset  
O'LEARY of Oxford

Representatives:

BUSTIN of Augusta  
TALBOT of Portland  
BOUDREAU of Portland  
KENNEDY of Gray  
MACKEL of Wells  
DURGIN of Kittery  
BIRT of East Millinocket

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

Signed:

Senator:

BERRY of Cumberland

Representatives:

SHUTE of Stockton Springs  
CALL of Lewiston

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.

**Divided Report**

The Majority of the Committee on Business Legislation on, Bill, "An Act Pertaining to the Qualifications of Elevator Mechanics." (H. P. 1448) (L. D. 1703)

Reported that the same Ought to Pass.

Signed:

Senators:

THOMAS of Kennebec  
REEVES of Kennebec

Representatives:

CLARK of Freeport  
DeVANE of Ellsworth  
PEAKES of Dexter  
RIDEOUT of Mapleton  
PIERCE of Waterville  
BOWIE of Gardiner  
BYERS of Newcasttle  
HIGGINS of Scarborough

The Minority of the same Committee on the same subject matter reported that the

same Ought to Pass as Amended by Committee Amendment "A" (H-239).

Signed:

Senator:

JOHNSTON of Aroostook

Representative:

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

#### Senate Ought to Pass

Mr. McNally for the Committee on Labor on, Bill, "An Act Relating to a Third Fifty-two Week Extension for Vocational Rehabilitation under the Workmen's Compensation Statutes." (S. P. 292) (L. D. 1017)

Reported that the same Ought to Pass.

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

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Grant Liquor Enforcement Inspectors the Same Powers of Arrest as Sheriffs." (S. P. 359) (L. D. 1163)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

CLIFFORD of Androscoggin

MERRILL of Cumberland

Representatives:

HENDERSON of Bangor

MISKAVAGE of Augusta

HOBBINS of Saco

PERKINS of So. Portland

HEWES of Cape Elizabeth

SPENCER of Standish

McMAHON of Kennebunk

BENNETT of Caribou

GAUTHIER of Sanford

HUGHES of Auburn

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

Signed:

Senator:

COLLINS of Knox

Which reports were Read.

Mr. Graffam of Cumberland then moved that the Senate accept the Minority Ought to Pass Report of the Committee.

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

Mr. COLLINS: Mr. President and Members of the Senate: I have a psychic message from the senior Senator from Aroostook that this is not the proper horoscope for me but, nonetheless, I think I should explain why I stood alone on this report. I probably would not have done so four to five years ago.

Liquor inspectors are not very popular people, but we have them in our system to insure that our laws are obeyed with respect to licensing. They go to bars and nightclubs and beer joints and a great many places which after the hour of 11 p.m. frequently are not the coziest and quietest places in the world.

The present practice with liquor inspectors is that before they go out on the job they attend the Criminal Justice Academy at Waterville to get some basic training in police work. The present chief

of inspectors has had a long experience before coming to his present assignment as chief of police. This bill would permit arrests for the same crimes that a sheriff or deputy sheriff might make arrests for.

The problem is that a number of these places that have to be inspected are becoming more and more hazardous for these inspectors. Sometimes when they go there they also observe violations of the drug laws, assault and battery, sometimes they have to protect themselves from assault and battery, but under present law the only arrests they can make have to do with liquor violations. And I think we are wasting much of their talent if we do not permit them, when they are in their regular course of liquor work, to take part.

I think we should make a comparison here. I think the committee was concerned as to whether these inspectors had enough training and experience. But if we compare them with the sheriffs in our sixteen counties and many of the deputy sheriffs in our sixteen counties, we will find that they have just as much training and experience, and in many cases more, than these other enforcement officers who do have the power of arrest for all of the criminal violations. That doesn't mean that they go out looking for something that is not within their general scope, but it does mean the power is there if it is needed.

I, being a little uncertain in my own judgment because of my minority position, went to the trouble of talking with the chief judge of the district court, and he urged me most emphatically to support this bill. He said so many times these liquor inspectors go out on the job and they see other violations where they could be helpful, and we have tied their hands so they cannot do the enforcement job in the way that it should be done. This is why I stood alone on this report.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Merrill.

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

The PRESIDENT pro tem: The Senator from Cumberland, Senator Merrill, has requested a division. All those in favor of accepting the Minority Ought to Pass Report of the Committee will rise in their places until counted.

A division was had. 19 having voted in the affirmative, and five having voted in the negative, the Minority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

At this point President Sewall entered the chambers and resumed his position at the rostrum. The Sergeant-at-Arms then escorted Senator Conley to his seat on the floor of the Senate, amid the applause of the members of the Senate.

The PRESIDENT: The Chair would certainly commend the Minority Floor Leader for doing an excellent job and thanks him very much.

#### Second Readers

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

#### House

Bill, "An Act Relating to Fire Protection for Township 8, R. 4 and Township 10, R. 6." (H. P. 885) (L. D. 1056)

Bill, "An Act to Exempt from the Sales Tax Sales of Goods and Services Essential for the Care and Maintenance of Seeing Eye Dogs." (H. P. 1423) (L. D. 1693)

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

Bill, "An Act to Restrict Liquor Control Commission Records of Liquor Violations to Violations which are Less than 5 Years Old." (H. P. 981) (L. D. 1244)

Which was Read a Second Time.

Mr. Carbonneau of Androscoggin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-125, was Read.

The PRESIDENT: The Chair recognizes that same Senator.

Mr. CARBONNEAU: Mr. President, this amendment gets the felony violations off the books if they are five years old. At the present time when a licensee applies for his license he has to fill in on the application all violations of any laws that he has committed or might have committed for the last ten, fifteen, twenty or twenty-five years. Most of the violations are felonies. In repeating the same procedure every year it gets to be quite bothersome, so now we have reduced that to five year violations only.

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

Thereupon, Senate Amendment "A" was 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 the Validity of Absentee Ballots." (H. P. 31) (L. D. 39)

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

#### Senate

Bill, "An Act to Authorize the University of Maine to Proceed with the Development of a School of Medicine as Part of the Teaching Program of the University System." (S. P. 224) (L. D. 773)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-124, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MERRILL: Mr. President and Members of the Senate: This is an amendment which I spoke of yesterday, and will just briefly detail the result that I hope it will bring and the method which I have used. As I indicated yesterday in the debate I thought that this proposal could be more easily sold and would be a better proposal if we provided that more of the funds would come from tuition money, more of the roughly two million dollars a year that the state will have to provide some ten years from now when we are essentially on our own in the medical school program.

It was my hope that we could set up a system where roughly half of that two million dollars would be provided by student tuition. The tuition would have to be at the rate of \$5,000 a year to accomplish this. And it was my hope also that a program could be set up whereby loans would be available on the basis of need up to a full 10 percent of the amount of money necessary for the person to go to medical school here in Maine, and that these loans could be paid off after finishing medical training either in the conventional way,

with interest accumulating after graduation, or they could be paid off by practicing medicine here in Maine, with an increased forgiveness up to 100 percent for practicing family medicine in a medically deprived area.

The purpose of this is twofold: One, it is to insure that state monies won't be used or that the high degree of subsidy that would be in the present bill won't take place for a student that is ultimately going to leave Maine and practice medicine elsewhere. Secondly, it is to build into the bill some stimulus for the people who are educated at the Maine Medical School to stay in Maine and to go to areas that are medically deprived.

Now, I do not offer this amendment with the argument that this amendment alone will accomplish the end of providing and assuring that the students that are educated at this medical school will end up practicing medicine in rural areas. I think that this approach alone wouldn't accomplish that purpose. If we were to just provide a funding program of this kind, as another piece of legislation before the legislature, L. D. 1776, would do, that would not be sufficient. I think programs that have looked into funding programs such as this to see their effect indicates that that is true.

If we want our people that we educate at this medical school to stay in Maine and practice medicine in Maine, we need to have a medical program that will be aimed at and will stimulate interest in family practice. We need to have a program that will give experience to the young people who are receiving medical training in rural areas, and which will stimulate the people to think of the opportunities that they can have in those areas, the opportunity for service, the opportunity to help people who really need help, the opportunity not only to pursue a career in science but to pursue a career in human service, which the profession of medicine at its best certainly is.

I think that coupled with a program such as this, and then putting this amendment on here to provide added stimulus, I think would help us to accomplish the end, which is to provide more doctors to the areas of the state that need them so badly. I think the medical school as presently envisioned together with this amendment can accomplish that. And I think that this could be one of the most important goals that this legislature looks at during this session.

You know, as a State Senator from Portland, this is a matter of much less concern than it should be, and I hope that it is, to members of this body from more rural areas. In Portland we are very fortunate and we have a high number of doctors to the citizen ratio. We could use more family practitioners but we are in pretty good shape and we are serviced by a very excellent medical profession that is in sufficient numbers. That is not the case around the state. And I would ask that everyone here consider all of the elderly that we have in the state and the concern that they have knowing that a doctor is a hundred miles away, that we consider the cancer patients, that we consider the people that have heart problems that don't know about them, and we do something now to provide that the citizens of Maine will have adequate medical attention, and that we can turn the trend, which is a downtrend in medical health in Maine, we can turn it around and start improving it so that we can tell our citizens that ten years from now we will have a more

healthy populace than we have today. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Washington.

Mr. WYMAN: Mr. President and Members of the Senate: I am somewhat in agreement with the Senator from Cumberland, Senator Merrill. I haven't had time to read the amendment carefully. I am still getting additional information on this, and I would appreciate it if somebody would table this for one day.

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

Mr. BERRY: Mr. President and Members of the Senate: As was mentioned yesterday, I think this whole matter requires considerable exposure, and if the good Senator from Washington, Senator Wyman, would indulge my commenting on this amendment, I think perhaps it will take a little pressure off the situation as far as I am concerned.

I appreciate the fact that the debate is beginning to take the bleeding heart approach and, as was indicated yesterday, if you are against the bill you are against delivery of health care to the people of the State of Maine. As I suggested yesterday, I think there is another step that we ought to take, and that is that of being responsible legislators. I take second seat to no one as to my concern on rural health and, along with Senator Merrill, I know very well where the taxes are coming from.

Let's look at the amendment. To skip down into the worst part of the amendment, we are asking the Joint Standing Committee on Education to be the censor, the monitor, and the judge on matters that are really only the responsibility of the Board of Trustees of the University of Maine. Under what theory are we suggesting that the trustees themselves submit to the Joint Standing Committee on Education drafts of legislation establishing the loan fund and establishing forgiveness standards? These items are the responsibility of the University of Maine trustees, and in no way should the legislature step in and preempt the responsibilities of the trustees.

The unfortunate result of an amendment such as this is that the wealthy are going to be able to get into the medical school, because the first sentence of the proposed amendment states that: "It is the intent of the Legislature to establish a level of tuition which will defray a substantial portion of the costs." Now, this means if you don't need a scholarship, if you don't need to borrow money, you can probably get in because the tuition is going to be way up, as was indicated yesterday, with costs of anywhere from \$6,000 up. This is not the intent of the amendment, but I cite to you these points which you should well consider before this matter is tabled, if it is.

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

Mr. KATZ: Mr. President and Members of the Senate: I imagine my remarks are probably addressed to the trustees of the University of Maine here this morning, and they go something like this: that the Maine Legislature has an extraordinarily consistent record of staying out of the internal affairs of the University of Maine. I have indicated to the trustees of the University that they are walking on very thin ice with this legislation.

Here is an immediate example: that for the first time this legislature is directing its attention to the level of tuition in the

University of Maine. Now, the University of Maine trustees have to bear the responsibility for this turn of events, and it is a very small step from directing the trustees to establish a level of tuition for medical school students to the whole question of the legislature mandating the level of tuition for all students in all colleges of the University of Maine. And it is a very small step from there to to align budget, and it is a very small step from there to addressing ourselves to how many teaching hours faculty at the University of Maine, whether it is the campus at Orono or the proposed medical school, should be required to teach.

Now, other states have fallen into this trap, and it has not been good for the economy of great institutions of learning. I say to the trustees and I say to the Senate that this is the first step to political control of the University of Maine. We have never done it before and I don't like us to start today.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think that one legitimate concern has been raised with regards to this amendment, and that is the issue that was just addressed by the Senator from Kennebec, Senator Katz. I admit that this amendment walks a fine line between an admitted good policy of this legislature not setting tuition and at the same time making a statement of general policy about how we would like a new program to be funded. So what I have done in this amendment is simply make a statement of legislative intent, allow the trustees to try to put that forward, and when they come back to the next session of this legislature for further funding as they will, of course, have to do, to bring that proposal, that program with them.

This isn't that much different than what we do when we accept a budget for the University of Maine. We don't say that you shall charge such and such a tuition, but we do look at the total costs and we fund a certain percentage of those costs, and then we place on the Board of Trustees the decision of whether to increase tuition, if we make cuts, or whether to cut programs. So we have a direct effect and we send a direct message to the Board of Trustees when we go about funding these programs, and they have to make a response to what the legislature is indicating that they would like to be done.

I think that it would be a bad move here to set tuition exactly, but I don't think it is inappropriate for the legislature, when talking about a new program that the legislature is going to have to fund, to suggest its intent as to how that program shall be funded. That is all this amendment would do, and I think it is a small step that is many, many, many steps removed from the parade of horrors that was just put forth by the Senator from Kennebec, Senator Katz.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

#### Enactors

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

An Act to Provide for a Licensed

Practical Nurse on the State Board of Nursing. (S. P. 504) (L. D. 1860)

An Act Relating to the Appointment of Clerks of the Judicial Courts. (H. P. 533) (L. D. 671)

An Act to Repeal Certain Tax Exemptions. (H. P. 650) (L. D. 802)

An Act to Prevent Unfair Discrimination Against Blind Persons Seeking Insurance Coverage. (H. P. 846) (L. D. 1033)

An Act Relating to the Training of Coon Hounds. (H. P. 888) (L. D. 1063)

An Act Relating to Default under the Maine Consumer Credit Code. (H. P. 1202) (L. D. 1497)

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

An Act to Permit Pharmacists to Advertise Drug Prices and to Provide Retail Price Posting Information for Pharmacies. (H. P. 1538) (L. D. 1849)

An Act to Clarify and Make Uniform the Definition of Mobile Home. (H. P. 1544) (L. D. 1861)

An Act to Permit the Commissioners of Aroostook County to be Paid Traveling Expenses in Addition to their Salaries. (H. P. 1546) (L. D. 1863)

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 Special Agency Stores. (S. P. 290) (L. D. 1015)

Mr. HICHENS of York then moved that the Bill and accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. HICHENS: Mr. President and Members of the Senate: Regardless of difficulties people may have in going to state liquor stores, and controls as mentioned previously by the good Senator from York on the original debate on this bill, the fact remains that by establishment of 50 additional state stores that there will be an additional income of 11 million in the next ten years.

May I remind you, Members of the Senate, that according to figures provided by various professional study groups, for every dollar the state makes on the sale of liquor it costs the state \$6.00. This loss is noted in increased welfare costs, care and rehabilitation of alcoholics, which is paid for by the taxpayer, along with the lost work hours that costs industry huge amounts of money. In addition, if enough liquor is sold to increase the state income that much, you can rest assured that that automobile accidents will increase with greater loss of life and serious injuries.

Fifty percent of our accidents nationwide and statewide are caused by drunken drivers, and the good Senator Katz from Kennebec can acquaint you with other problems as well. I share with you a news item in last Sunday's Telegram entitled, Drinkers Cause Accidents.

"Augusta (AP) — Drivers under the influence of alcohol were the primary cause of 13 fatal Maine highway accidents in March, Maine State Police Chief Col. Donald E. Nichols said Saturday.

Fourteen Persons were killed in the March accidents, three fewer than last year, Nichols said."

Today we have granted extension of hours for the sale of liquor. We have permitted fines instead of suspension of licenses to wholesale licensees.

We have granted rights of Liquor Commissioners to restrict records of liquor violations and violations which are

less than five years old. I can assure the great lady whom we honored this morning that the liquor lobbyists have not lost any of their power since the days to which she referred. Now we have the opportunity to say no to their demands for increased sales and problems in our state.

Fellow members of the Senate, we don't need and we can't afford 50 additional liquor outlets in Maine. I hope this morning that you will vote along with me in indefinitely postponing L. D. 1015. Mr. President, I request a roll call.

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

Thereupon, on motion by Mr. Cyr of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Hichens of York to Indefinitely Postpone the Bill and Accompanying papers.

An Act Relating to the Definition of a Real Estate Broker. (H. P. 685) (L. D. 869)

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 and Members of the Senate: I have read through this bill, and I believe that what this bill does is curb legitimate business activity. And that legitimate business activity is the right of every citizen within the State of Maine to deal in real estate for himself; not to sell other people's real estate but to sell real estate that he has an interest in.

Any person who wants to develop a project involving land may have to get more than three options. This also seems to be a special interest bill. Now, I am a real estate broker and this bill would help me, but I feel it is an unfair bill in that it restricts to a great extent the optioning of property to real estate brokers. I believe that there are no reasonable grounds for imposing this restriction on the free enterprise system, and hope you will support my motion.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: This bill, L. D. 69, does not curb any legitimate business activity in the State of Maine. If the business activities to which the Senator from Penobscot, Senator Trotzky, refers are in fact legitimate, they certainly wouldn't be adverse to being under rules and regulations of the Maine Real Estate Commission.

What it does, very simply, is that any person, firm or partnership, as it states in the bill, obtaining three or more options to purchase real estate within a one-year period for the purpose of finding a buyer for the option to make a profit be subject to the rules and regulations of the Maine Real Estate Commission, to pay a fee and be subject to those rules and regulations, just like every other real estate dealer in this state.

Anybody can still deal in his own personal property, and anybody who exercises three or more options must further be proven to have done that with a profit in mind. In other words, if he is brought under this regulation they must prove intent, his intent to make a profit, so that it doesn't hinder or harm anyone's reasonable transactions on his own behalf.

It directs itself at those persons who are taking options cheap and turning them over for a profit and doing it continually and doing it as a business.

The reason there was considerable amount of discussion within the committee regarding the number of options, whether it should be three or whether it should be five — the report of the committee was unanimous Ought to Pass with two reports: one was five years, the other was three — the reason that most of the committee agreed on three is that the Internal Revenue Service, by regulation, says that three or more options that are exercised in fact puts you in the business. So it is the intent of this bill to have those people registered and become subject to the rules and regulations of the Maine Real Estate Commission.

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

Mr. REEVES: Mr. President, I would like to correct the good Senator from Aroostook, Senator Johnston, the report of the committee, I believe, was not unanimous. I signed the minority report, ought not to pass. I still maintain that this bill is not necessary, and I support the motion of the Senator from Penobscot, Senator Trotzky.

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

Mr. TROTZKY: Mr. President, the other concern that I have here is how this bill can be enforced. I don't see any enforcement mechanism on this. And again, I would say that in the taking of an option on a piece of land the citizen is putting his money into taking an option on a piece of land, and he has the right to sell that piece of land if he has an interest in that piece of land.

The argument put forth by the distinguished Senator from Aroostook, Senator Johnston, was that we have stopped speculation. What you are doing is you are limiting speculation to real estate brokers. And my concern here is just because a man takes a course for a year, why should he have the only right in the State of Maine to speculate in land.

I am a real estate broker so, again, this is just going to benefit me, but I feel it is unfair and an infringement of this free enterprise system.

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

Mr. JOHNSTON: Mr. President, I apologize to Senator Reeves, he did sign the minority report, ought not to pass. With respect to Senator Trotzky's question as to enforcement, it would be enforced just as all the other rules and regulations of the Maine Real Estate Commission are enforced. I am sure the good Senator from Penobscot, Senator Trotzky, is familiar with that process.

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

Mr. SPEERS: Mr. President and Members of the Senate: My familiarity with this bill comes from just reading what the bill says. The bill quite clearly states that an individual, to come under the provisions of this bill, must be purchasing an option with the intent at that moment to sell that option within the next six months. If he does that with three or more options, then he must come within the purview of the Real Estate Commission and the examining board, and this sort of thing, and comply with its rules and regulations.

This does not involve one individual purchasing options for his own use, and the examples that have been given are what about the individual who wants to purchase options for building a home, or



for building a business? And I would say that quite clearly the bill does not come into play under those situations, because quite clearly the bill states that at the time of purchasing the option the intent of the individual must be to sell that option within the next six months and hold that option out for sale. If he is dealing in real estate, it does seem to me that, as with all other real estate brokers, etc., he should come within the rules and regulations of the Commission.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Trotzky, that L. D. 869 be indefinitely postponed. The Chair will order a division. Will all those Senators in favor of the indefinite postponement of this bill please rise in their places until counted.

A division was had. 10 having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

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

Resolve, to Reimburse Thomas F. Oechsle of East Holden for Damage to Beehives by Bear. (H. P. 883) (L. D. 1055)

Resolve, to Reimburse Lawrence H. Roberts of South Portland for Damage to his Automobile Caused by State Ward. (H. P. 973) (L. D. 1222)

Resolve, to Reimburse W. E. Emery of North Anson for Loss of Livestock by Coyotes and Bear. (H. P. 1090) (L. D. 1369)

On motion by Mr. Huber of Cumberland, the above three Resolves were placed on the Special Appropriations Table.

#### Emergencies

An Act to Provide for a Deputy Chief Judge of the District Court. (S. P. 410) (L. D. 1309)

An Act to Redefine the Term Finance Charge under the Consumer Credit Code so as not to Include a Discount for Cash Payment. (H. P. 1319) (L. D. 1638)

These being emergency measures and having received the affirmative votes of 25 members of the Senate, were Passed to be Enacted, and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

JOINT ORDER — Relative to Joint Select Committee on State Property Tax Valuation. (S. P. 490)

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

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

Senate Amendment "A", Filing No. S-123, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: This amendment relates to the proposal to give a comprehensive study to the mechanics of establishing state valuation. In the original order, the order sought to involve the executive department. It has been pointed out that it is improper to involve the executive department in any way except through L. D., so this just tailors it to a more proper form. I would suggest that probably the bill is not ready for passage at this time and might be tabled with the adoption of the amendment.

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

The motion prevailed.

Thereupon, on motion by Mr. Speers of Kennebec, tabled pending Passage.

#### Orders of the Day

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

Bill, "An Act to Revise Certain Provisions of the Maine Health Facilities Authority Act." (H. P. 1027) (L. D. 1306)

Tabled — May 1, 1975 by Senator Conley of Cumberland.

Pending — Enactment.

Thereupon, this being an emergency measure and having received the affirmative votes of 27 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.

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

House Reports — from the Committee on Taxation — Bill, "An Act Relating to Trade-in Credit on All Sales or Exchanges of Personal Property." (H. P. 1008) (L. D. 1276) Majority Report — Ought Not to Pass; Minority Report — Ought Not to Pass.

Tabled — May 2, 1975 by Senator Jackson of Cumberland.

Pending — Motion of Senator Wyman of Washington to Accept the Majority Ought Not to Pass Report.

(In the House — Majority Ought Not to Pass Report, Accepted.)

On motion by Mr. Jackson of Cumberland, retabled and Specially Assigned for May 9, 1975, pending the motion by Mr. Wyman of Washington to Accept the Majority Ought Not to Pass Report of the Committee.

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

House Reports — from the Committee on Taxation — Bill, "An Act Relating to the Valuation of Farmland." (H. P. 550) (L. D. 678) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-237).

Tabled — May 6, 1975 by Senator Wyman of Washington.

(In the House — Indefinitely Postponed.)

On motion by Mr. Merrill of Cumberland, retabled and Specially assigned for May 12, 1975, pending Acceptance of Either Committee Report.

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

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

Tabled — May 6, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Trotzky of Penobscot to Reconsider Action whereby Bill Failed of Enactment.

(In the House — Passed to be Enacted.)

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

Mr. CYR: Mr. President, someone has questioned the constitutionality of an act predicated on certain conditions before it takes effect. I have asked the Attorney General for an opinion and it hasn't come as yet, so I would appreciate it if someone would table this for at least one day.

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

Mr. Cianchette of Somerset then moved that the Bill be tabled and Specially Assigned for May 9, 1975, pending the motion by Mr. Trotzky of Penobscot to Reconsider.

On motion by Mr. Speers of Kennebec, a division was had. 10 having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

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

Mr. CYR: Mr. President and Members of the Senate: I was hoping because of the late hour that you would accept the tabling motion, and it was a genuine request of the Attorney General.

I would like to start by apologizing to the Majority Leader for the interpretation of my remark that someone was trying to make this a party issue. I think probably the Majority Leader took it personally. There was absolutely no implication on my part to point out to the Majority Leader. I know he is absolutely clean in this regard. But at the same time I know that there was a very important Republican who was trying to make it a party issue.

You know, yesterday I told you I left my notes at home. The good Senator from York, Senator Hichens, mentioned that I was having a birthday last week, so I have aged one year since last year and probably my memory is getting short.

I would like to thank the Republican Senators that voted for this measure yesterday; it shows their statesmanship. Rightly or wrongly, the Republican Party has been accused in the past of not being responsive enough to the needs of the people. This issue more than any other legislation we have had before us will signify how one will vote on bread and butter issues.

Boiled down to its simplest form, this means jobs, it means cheaper power with no fuel surcharge, better climate for industrialization, assured source of power for posterity, and possibly and probably a brand new tourist industry. Some will say the people have spoken through the public referendum last year. I say to you the verdict would have been different if it had been sold on its merits and not as a free ride to the Governor's chair. Circumstances also have changed since the oil embargo. It brought to us dramatically the message that the world's oil reserves are finite and we had better look for other sources of energy before the lights are turned off.

The public also is not as gullible as they were. They are beginning to realize that they have been duped by false prophes. The fuel surcharge reaches right in the pocket of every one of us. The CMP rate increase of 9.7, for instance, which was granted by the PUC, and is retroactive to April 2, will soon be with us. I am sure that it will bring with it cries of anguish. Your constituents, whether they are Democrats or Republicans, will certainly question your vote on a project that could afford relief.

The President of Maine Public Service, and he is a good Republican, in his annual message had in his report that we should take a good second look at Dickey-Lincoln School.

This legislation is only a vote of confidence from the State of Maine. It is an expression of the Maine people to the federal people: at the conclusion of these two studies, if they are favorable, we want



you to proceed as fast as you can, if they are not favorable let's retire it to history and forget it.

The attempt of The Friends of the St. John to scuttle funds in Washington last week to finish these studies leaves one to conclude that they are afraid that these studies will prove them wrong. Thank you, Mr. President.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I urge you to vote against my motion to reconsider. I want to request a roll call on this, and I would like to make just a few statements in answer to some of the questions brought up by the good Senator from Aroostook, Senator Cyr.

First, this is not a party issue.

A statement was made that this will create cheaper power. Cheaper power on peaking power will come from pump storage projects. For example, Dickey-Lincoln will cost \$940 per kilowatt as opposed to a Northfield Mountain pump storage project which is \$131.

Third, this will mean the environmental degradation of vast areas of Maine. Over 21,000 acres of land will be flooded during the spring, and during other parts of the year will be barren.

There are other alternatives that I mentioned yesterday, and I think these are the answers that can be brought back to your constituents.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I guess there is not much question in my mind which way this bill is going this morning, but I would just like to say for the record that I feel very strongly some of the comments you just heard from the Senator from Penobscot, Senator Trotzky, are in fact in error, are not fact, and should not be interpreted as fact. It is only his opinion, and in my opinion his opinion is wrong. And I wanted that in the record.

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

Mr. TROTZKY: Mr. President and Members of the Senate: One last statement concerning the amendment. The amendment asks the Army Corps of Engineers to do an environmental impact study. This is really not the right group to do an environmental impact study. You can't ask ants not to built ant hills or moles not to dig holes in the ground. The Army Corps of Engineers wants to build. And I would just say that approval of this bill is saying to the people in Washington that the State of Maine is in favor of the Dickey-Lincoln project. And the committee report, again, in terms of whether this is a political issue, I will remind the Senate that the committee report was 11-2 ought not to pass.

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

Mr. CYR: Mr. President and Members of the Senate: I would like to correct the last statement that the Senator from Penobscot, Senator Trotzky, mentioned. It is true that the environmental impact study is under the guidance of the Army Corps of Engineers, but just to get away from the same criticism that the good Senator has just brought up, it has been contracted out to a firm that has a good record on the environment.

What is he afraid of? What is the good Senator afraid of? What are the

environmentalists or the extremists — I shouldn't call them environmentalists because you have a lot of good people who are environmentalists, but the extremists, what are they afraid of? Are they afraid that this study is going to prove them wrong? Are they afraid that all of their arguments are just plain exaggerations and a lot of stupid arguments?

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Trotzky, that the Senate reconsider its action whereby this bill, L. D. 662, failed of enactment.

The Senator from Cumberland, Senator Graham, asks leave to pair his vote with that of the Senator from Androscoggin, Senator Berry, who, if he were here, would be voting for the bill, and the Senator from Cumberland, Senator Graham, would be voting against the bill. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I ask permission to pair my vote with the Senator from Androscoggin, Senator Clifford, who, if he were here, would vote for reconsideration, and I am voting against reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Reeves, now asks leave to pair his vote with that of the Senator from Androscoggin, Senator Clifford, who, if he were here, would be voting for reconsideration, and the Senator from Kennebec, Senator Reeves, would be voting against reconsideration. Is this the pleasure of the Senate to grant this leave?

It is a vote.

The pending motion before the Senate is the reconsideration whereby L. D. 662 failed of enactment. A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative votes of at least 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 motion before the Senate is the motion of the Senator from Penobscot, SENATOR Trotzky, that the Senate reconsider its action whereby L. D. 662 failed of enactment. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Carbonneau, Cianchette, Conley, Cyr, Danton, Gahagan, Johnston, McNally, Merrill, O'Leary, Pray.

NAYS: Senators R. Berry, Collins, Corson, Cummings, Curtis, Graffam, Greeley, Hichens, Huber, Jackson, Katz, Roberts, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senator Marcotte.

A roll call was had. 11 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

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

Bill, "An Act Providing for the Observance of Memorial Day on May 30th." (S. P. 371) (L. D. 1198)

Tabled — May 6, 1975 by Senator Berry of Androscoggin.

Pending — Motion of Senator Conley of Cumberland to Reconsider Action whereby Bill was Indefinitely Postponed.

(In the House — Passed to be Enacted.)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland to Reconsider Indefinite Postponement.

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

Bill, "An Act to Amend the Site Location of Development Statute." (H. P. 619) (L. D. 765)

Tabled — May 6, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Trotzky of Penobscot to Indefinitely Postpone Committee Amendment "A" (H-225)

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

Thereupon, Committee Amendment "A" was Indefinitely Postponed in non-concurrence and the Bill Tomorrow Assigned for Second Reading.

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

Bill, "An Act to Increase the Veteran's Property Tax Exemption." (H. P. 1174) (L. D. 1172)

Tabled — May 6, 1975 by Senator Speers of Kennebec.

Pending — Adoption of Senate Amendment "A" (S-119).

(In the House — Passed to be Engrossed as amended by House Amendment "D" (H-224) )

(In the Senate — House Amendment "D", Adopted.)

Whereupon, Senate Amendment "A" was Adopted.

Mr. Collins of Knox then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-122, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

A viva voce vote being in doubt, a division was had. 23 having voted in the affirmative, and five having voted in the negative, the motion prevailed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby Senate Amendment "A" was Adopted.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: This amendment, which increases the state's responsibility for the funding of lost revenue to the towns for veteran's exemption, increases the state's cost almost a million dollars over the existing level and, as such, puts a very, very heavy financial burden on this bill from which it can never recover in order to be enacted. And as I now review this amendment, I feel that it might not have been offered with loving kindness in mind. Consequently, I move the indefinite postponement.

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

Mr. CURTIS: Mr. President and Members of the Senate: Being the sponsor of the amendment, I want to assure the Senator from Kennebec, Senator Katz,

that I did offer it with loving kindness. However, I don't really want to see the entire bill go down to defeat. So, in addition to pointing out to him that his math would need to be corrected, because what was originally nine-tenths of a million dollars in the fiscal note would of course be substantially less after adoption of Senate Amendment "B", which we have done, however, rather than try to figure out the mathematics of that, it would seem to me fairly predictable that if we leave Senate Amendment "A" on, my amendment, that probably the bill would finally fail of enactment because of lack of funding. So I am not going to object to removing it, as we have since adopted Senate Amendment "B".

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

Thereupon, Senate Amendment "A" was Indefinitely Postponed and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

#### **Papers From The House**

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

##### **House Papers Public Utilities**

Bill, "An Act to Increase Borrowing Capacity of Topsham Sewer District." (H. P. 1568) (L. D. 1873)

Comes from the House referred to the Committee on Public Utilities and Ordered Printed.

Which was referred to the Committee on Public Utilities and Ordered Printed in concurrence.

##### **Taxation**

Bill, "An Act to Require the Filing of Estimated Income Tax Returns by Corporations." (H. P. 1569) (L. D. 1874)

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

Which was referred to the Committee on Taxation and Ordered Printed in concurrence.

The PRESIDENT: I would like to call the Senate's attention to an item in Mason's Rules of Parliamentary Procedure. The Chair was questioned concerning its rulings referring to debate in the other body, and I would like to read to the Senate from section 127, paragraph 4, in Mason's Manual.

"It is a breach of order in debate to notice what has been said on the same subject in the other house, or the particular votes or majorities on it there, because the opinion of each house should be independent and not influenced by the proceedings of the other, and because referring to or quoting the proceedings in one house might cause reflections leading to a misunderstanding between the two houses."

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Thereupon, on motion by Mrs. Cummings of Penobscot,

Adjourned until 9:30 tomorrow morning.