

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

Tuesday, May 13, 1975

Senate called to order by the President.

Prayer by Rev. Shane D. Estes,
Winthrop Congregational Church,
Winthrop:

Let us pray. Almighty God, you have faced us with great responsibilities in this life. For some things you have given us decisions to make, and in other things no decision at all. You have not given us a choice as to whether or not we will have government, but you have given us a great decision as to whether or not we will have good government, and you have lain that responsibility upon each of our shoulders, whoever we might be in this great state of ours. And so, O God, at the beginning of this day, we ask that you would bless us in our endeavors in your behalf and on behalf of your people. Strengthen our endeavors in your behalf and on behalf of your people. Strengthen our hearts that we might speak truly and sincerely of our convictions. Speak to our minds that we might be able to listen and to understand, and speak to our spirits that all that we do and say might be for the benefit of all and in Thy Holy Name. Amen.

Mr. Hichens of York was granted unanimous consent to address the Senate:

Way back in the gay nineties, namely 1899

(Too long to be remembered by most who here recline

Save one who on May 13th began his trek through life)

The State of Maine seemed quite at ease amid the worldly strife.

But when this robust boy child came upon the scene

His impact on his little town became far from serene;

For his curiostic nature upset the town's composure

And some of his activities I now have for disclosure.

At the age of five, inquisitiveness landed him in jail

And reluctantly his mother had him released without bail.

I've heard him tell about the yacht that anchored near the shore

And how he accomplished a rare feat that had ne'er been done before.

On one fair day while a companion rowed, nor dared to linger,

This lad made a line completely around a yacht with tip of finger.

He was a sports enthusiast, of his prowess I've been told.

In many fields — his many feats on record books of old.

Growing into manhood he found a lovely wife

Who's bravely put up with him for 54 years of life

They raised a lively family of 3 lively girls and boys

With the inherent problems and life's inherent joys.

And although he's not one who can sit in church with pleasant ease

He has three grandsons who have theological degrees.

Five great grand children now he claims, another due in June,

To keep his family tree alive and keep his life in tune.

He's served his town and State as well, with competence we know,

His work amongst us on the Legislative records show,

On transportation problems there is no doubt that he's a whiz

He has the facts and figures for those who choose to quiz

Him on just what is happening from Kittery to Fort Kent

And on Health and Welfare problems many hours he's spent.

He left the ground on his first flight in 1973

And the green mountains of Vermont and New York chanced to see;

Feeling confident and safe with Senator Cianchette

Who hasn't dared to barrel roll with a Republican yet.

He always has a story for those who lend an ear,

Some true, and others stretched a bit, you've heard some of them here.

His cheery ways are equal to the twinkle in his eye,

And you can note his interest when the pretty girls pass by.

For age may have slowed his footsteps — but he still can see the beauty

Of the lovely girls who serve us, and he goes past calls of duty

To see that they're well remembered on occasions that arise;

And often leaves a kiss or two, much to their surprise.

I could go on and on like this, but time does not permit

To list all of his good qualities — so with this wish I quit,

A wish for future days of happiness and joys quite freely

To the elder statesman of this hall — our own beloved Ed Greeley.

(Applause)

Mr. Greeley of Waldo was granted unanimous consent to address the Senate:

Mr. GREELEY: I want to thank you, Senator Hichens. I appreciate it very much. If we weren't so busy, I would tell you about that jail sentence when I was just about four years old. I just want to tell you that I guess I am glad I have lived all these years, and if I had known I was going to live this long I think I would have taken better care of myself.

Reading of the Journal of yesterday.

Papers from the House Non-concurrent Matter

Bill, "An Act Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registration." (H. P. 752) (L. D. 927)

In the House May 1, 1975, Passed to be Engrossed as Amended by House Amendment "A" (H-218), in non-concurrence.

In the Senate May 9, 1975, Indefinitely Postponed, in non-concurrence.

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

On motion by Mr. Corson of Somerset, tabled and Tomorrow Assigned, pending Consideration.

Non-concurrent Matter

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

In the House April 19, 1975, Passed to be Engrossed as Amended by House Amendment "D" (H-224).

In the Senate May 8, 1975, Passed to be

Engrossed as Amended by Senate Amendment "B" (S-122), in non-concurrence.

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

On motion by Mr. Collins of Knox, the Senate voted to Insist and Join in a Committee of Conference.

Non-concurrent Matter

Bill, "An Act Relating to Contracts of Teachers with Municipalities." (H. P. 1033) (L. D. 1339)

In the Senate April 22, 1975, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-253) as Amended by House Amendment "C" Thereto, (H-300), in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act Relating to Compensation for Minors Delivering Newspaper Supplements." (H. P. 910) (L. D. 1109)

In the Senate May 7, 1975, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-302), in non-concurrence.

Mr. Thomas of Somerset moved that the Senate Adhere.

Mr. Corson of Somerset then moved that the Senate Recede and Concur.

On motion by Mr. Katz of Kennebec, a division was had. 12 having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

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

In the Senate April 16, 1975, Passed to be Engrossed as Amended by House Amendments "A" (H-135), "G" (H-141), "J" (H-144), "M" (H-147) and "N" (H-148), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "J" (H-144), "G" (H-141), "M" (H-147), "N" (H-148) and "R" (H-301), in non-concurrence.

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

Joint Resolution STATE OF MAINE

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

IN MEMORIAM

Having Learned Of The Death Of
KIVIE KAPLAN
OF

BOSTON, MASSACHUSETTS

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 1578)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Joint Resolution
STATE OF MAINE

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

IN MEMORIAM
Having Learned Of The Death Of
CHARLES G. DREW, SR.
of Waldoboro
on May 7, 1975

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 1579)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Committee Reports
House

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

Bill, "An Act Relating to Distribution of Wine to Retail Stores." (H. P. 753) (L. D. 928)

Bill, "An Act to Include Salaries, Pensions and Insurance for Binding Arbitration Under the Municipal Public Employees Labor Relations Law." (H. P. 375) (L. D. 469)

Bill, "An Act Determining Positions of Names of Candidates on Primary Ballots and General Election Ballots." (H. P. 167) (L. D. 197)

Bill, "An Act to Determine the Method of Resignation of Appointed Officials." (H. P. 1386) (L. D. 1714)

Bill, "An Act to Reorganize the Department of Personnel." (H. P. 1124) (L. D. 1427)

Resolution, Proposing an Amendment to the Constitution to Provide a Judicial Nominating Commission. (H. P. 1335) (L. D. 1761)

Resolution, Proposing an Amendment to the Constitution to Establish a Judicial Nominating Commission. (H. P. 1266) (L. D. 1756)

Bill, An Act Establishing the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for all State Financed Educational Activities. (H. P. 1257) (L. D. 1758)

Bill, An Act Improving Benefits under the Elderly Householders Tax and Rent Refund Act. (H. P. 1218) (L. D. 1534)

Bill, "An Act to Reduce the Residence Requirement for Qualification for a Veteran's Tax Exemption on his Estate." (H. P. 1368) (L. D. 1649)

Bill, "An Act to Establish a Tax Credit for Dependents under the Maine State Income Tax." (H. P. 1327) (L. D. 1628)

Bill, "An Act to Appropriate Funds to Provide Continued Alcoholism Services for the Indian People of Maine." (H. P. 1367) (L. D. 1667)

Bill, "An Act to Amend the Catastrophic Illness Program by Exempting Senior

Citizens from Certain Requirements and Assuring Reimbursement under Certain Circumstances." (H. P. 1287) (L. D. 1601)

Bill, "An Act Appropriating Funds to Provide School Building Facilities for Southern Aroostook Community Junior High School at Dyer Brook." (H. P. 1533) (L. D. 1854)

Bill, "An Act Relating to Municipal Support of the Poor." (H. P. 1479) (L. D. 1705)

Bill, "An Act to Provide Funds for Employment Opportunities for Maine Reservation Indians." (H. P. 1378) (L. D. 1697)

Leave to Withdraw

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Providing that the Minimum Age for State Representatives be Eighteen. (H. P. 1117) (L. D. 1407)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Concerning the Exemption of Certain Law Enforcement Officers from the Requirement of Attendance at the Maine Criminal Justice Academy." (H. P. 1328) (L. D. 1641)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Creating the State of Maine Commission on the Status of Women." (H. P. 1417) (L. D. 1713)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act to Register Recreation Administrators." (H. P. 1260) (L. D. 1757)

Reported that the same be granted Leave to Withdraw.

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

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on, Bill, "An Act Relating to the Statutes Concerning Clams, Mussels, Quahogs and Marine Worms." (H. P. 1339) (L. D. 1765)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Closed Season on Hunting Bear." (H. P. 1408) (L. D. 1743)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Require Yearly Registration of Watercraft." (H. P. 1447) (L. D. 1728)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on, Resolve, Proposing a Study of Methods of Encouraging the Growth and Modernization of the Fisheries Industry in Maine. (H. P. 1054) (L. D. 1236)

Reported that the same be granted Leave to Withdraw.

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

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on, Bill, "An Act to Clarify Definition under the Marine Resources Statutes." (H. P. 1295) (L. D. 1759)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation

on, Bill, "An Act Regulating Water Well Construction." (H. P. 956) (L. D. 1195)

Reported that the same be granted Leave to Withdraw.

The Committee on Human Resources on, Bill, "An Act to Prohibit Discrimination on Account of Mental Handicap Under the Human Rights Act." (H. P. 1406) (L. D. 1792)

Reported that the same be granted Leave to Withdraw.

The Committee on Human Resources on, Bill, "An Act to Create the Maine Human Rights Appeal Board." (H. P. 765) (L. D. 936)

Reported that the same be granted Leave to Withdraw.

The Committee on Human Resources on, Bill, "An Act to Establish the Department of Indian Police." (H. P. 1274) (L. D. 1769)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Exempt Nonprofit Nursery Schools from the Sales Tax." (H. P. 1232) (L. D. 1539)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Exempt Fuels used for Commercial Fishing from the State Sales Tax." (H. P. 1066) (L. D. 1346)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Exempt Certain Used and Reconditioned Machinery and Equipment from the Sales Tax." (H. P. 1095) (L. D. 1373)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Exempting Sales of Commercial Fishing Vessels Machinery and Equipment Thereupon from the Sales Tax." (H. P. 1305) (L. D. 1587)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act Providing for a Workmen's Compensation Insurance Fund." (H. P. 1470) (L. D. 1788)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on, Bill, "An Act Relating to Cost of School Construction for State Aid." (H. P. 41) (L. D. 52)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Relating to a Ferry Between Chebeague Island and Cousins Island." (H. P. 1273) (L. D. 1577)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act to Increase Allowable Weight Limits on the Interstate Highway System." (H. P. 175) (L. D. 190)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act to Exclude Car Carriers from Being Operated with Dealer Plates under Motor Vehicle Laws." (H. P. 1286) (L. D. 1571)

Reported that the same be granted Leave to Withdraw.

The Committee on Performance Audit on, Bill, "An Act Relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Court." (H. P. 354) (L. D. 455)

Reported that the same be granted Leave to Withdraw.

The Committee on Election Laws on, Bill, "An Act Concerning the Information

Required on the General Register of Voters." (H. P. 1359) (L. D. 1661)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Relating to Veterans Preference under the State Personnel System." (H. P. 1351) (L. D. 1648)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Additional Funds to the Bureau of Mental Retardation." (H. P. 1356) (L. D. 1658)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on Business Legislation on, Bill, "An Act Relating to Risk Sharing Plans in the Field of Property Insurance." (H. P. 1160) (L. D. 1459)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

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

Ought to Pass

The Committee on Health and Institutional Services on, Bill, "An Act to Revise Certain Statutory Provisions for the Licensing of Boarding Homes and Day Care Facilities." (H. P. 864) (L. D. 1073)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on, Bill, "An Act Exempting Members of Maine's Indian Tribes from the Atlantic Salmon Fishing Stamp Fee." (H. P. 1376) (L. D. 1707)

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.

Ought to Pass - As Amended

The Committee on Judiciary on, Bill, "An Act to Establish the Uniform Disclaimer of Transfers by Will, Intestacy or Appointment Act." (H. P. 877) (L. D. 1051)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-281).

The Committee on Judiciary on, Bill, "An Act to Establish the Uniform Disclaimer of Transfer under Nontestamentary Instruments Act." (H. P. 875) (L. D. 1049)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-282).

The Committee on Fisheries and Wildlife on, Bill, "An Act Prohibiting the Shooting of Hunting or Sporting Dogs." (H. P. 1157) (L. D. 1451)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-275).

The Committee on Fisheries and Wildlife on, Bill, "An Act to Increase the Fine for Molesting Traps." (H. P. 1143) (L. D. 1437)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-277).

Come from the House, the Bills Passed

to be Engrossed as Amended by Committee Amendments "A".

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

The Committee on Legal Affairs on, Bill, "An Act Relating to the Games of "Beano" and "Bingo". (H. P. 1277) (L. D. 1755)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-259).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-278).

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

Ought to Pass in New Draft

The Committee on Health and Institutional Services on, Bill, "An Act Authorizing and Directing the Department of Health and Welfare to Propose Certificate of Need Legislation." (H. P. 1212) (L. D. 1526)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1573) (L. D. 1878)

Come from the House, the Bill in New Draft Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Deter Trespass in Forest Practices." (H. P. 1333) (L. D. 1764)

Reported that the same Ought Not to Pass.

Signed:
Senate:

CORSON of Somerset

Representatives:

PERKINS of Blue Hill
HUNTER of Benton
SHUTE of Stockton Springs
JOYCE of Portland
COTE of Lewiston

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

Signed:
Senator:

CIANCHETTE of Somerset

Representatives:

GOULD of Old Town
BURNS of Anson
CAREY of Waterville

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Legalize Gambling." (H. P. 1388) (L. D. 1773)

Reported that the same Ought Not to Pass.

Signed:
Senators:

DANTON of York

Representatives:

PERKINS of Blue Hill

HUNTER of Benton
SHUTE of Stockton Springs
JOYCE of Portland
BURNS of Anson
COTE of Lewiston

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-272)

Signed:
Senators:

CIANCHETTE of Somerset
CORSON of Somerset

Representatives:

GOULD of Old Town
FAUCHER of Solon
CAREY of Waterville

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

Which reports were Read.
Thereupon, the Majority Ought not to Pass Report of the Committee was Accepted.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on (H. P. 1491) (L. D. 1739)

An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs, have had the same under consideration, and ask leave to report: that the House recede from passage to be engrossed; adopt Senate Amendment "A" (S-74) as amended by Conference Committee Amendment "A" (H-273) submitted herewith and pass the bill to be engrossed as amended by Senate Amendment "A" as amended by Conference Committee Amendment "A" thereto; that the Senate recede from passage to be engrossed; recede from adoption of Senate Amendment "A"; adopt Conference Committee Amendment "A" (H-273) to Senate Amendment "A" (S-74); adopt Senate Amendment "A" as amended by Conference Committee Amendment "A" submitted herewith and pass the bill to be engrossed as amended by Senate Amendment "A" as amended by Conference Committee Amendment "A" thereto, in concurrence.

On the Part of the House:
QUINN of Gorham
SNOWE of Auburn
COONEY of Sabattus

On the Part of the Senate:
COLLINS of Knox
CONLEY of Cumberland
KATZ of Kennebec

Come from the House, the report Read and Accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" as amended by Conference Committee Amendment "A" thereto, in non-concurrence.

Which report was Read and Accepted in concurrence.

Senate

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

Bill, "An Act to Abolish the Department of Business Regulation." (S. P. 475) (L. D. 1670)

Bill, "An Act to Require Municipalities in Certain Situations to Pay Liability on the Part of Operators of Fire Department Vehicles." (S. P. 304) (L. D. 1029)

Leave to Withdraw

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act Establishing the Uniform Motor Vehicle Accident Reparations Act." (S. P. 190) (L. D. 659)

Reported that the same be granted Leave to Withdraw.

Mr. Clifford for the Committee on Judiciary on, Bill, "An Act to Amend the Alcoholism Intoxication and Treatment Act." (S. P. 422) (L. D. 1389)

Reported that the same be granted Leave to Withdraw.

Mr. Collins for the Committee on Judiciary on, Bill, "An Act to Provide that Judges of the District Court shall have the Authority to Order a Mental Examination to Ascertain Responsibility for Criminal Conduct." (S. P. 479) (L. D. 1612)

Reported that the same be granted Leave to Withdraw.

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

Mr. Graham for the Committee on State Government on, Bill, "An Act to Provide for Constitutional Convention for the Purpose of Revising or Altering the Constitution of the State." (S. P. 455) (L. D. 1618)

Reported that the same be granted Leave to Withdraw.

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

Mr. CURTIS: Mr. President, before this is put to its final rest, I would like to comment that when it was introduced by the Senator from Penobscot, Senator Trotzky, and myself, we had great hopes that there might be a possibility that a constitutional convention could turn out to be the centerpiece perhaps of the bicentennial celebration for the State of Maine, as the state not only celebrated its past and its future but also took a good long, hard look at its constitution. But I think we both feel the legislature is taking a good look at the constitution and some of the provisions. Already we have provided for an issue to go to the people for single member districts in the House of Representatives, and there is at least a good possibility that the executive council status and the size of the House of Representatives in the relationship of the House to the Senate will be given a thorough study by this legislature. And as a final coup de grace perhaps, it was a bill which had a price tag on it of more than a million dollars and, therefore, I think perhaps it is most appropriate that we let it rest.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Leave to Withdraw Report of the Committee?

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

Sent down for concurrence.

Ought to Pass

Mr. Graham for the Committee on State Government on, Bill, "An Act Relating to Tenants Serving on State and Local Housing Authorities." (S. P. 439) (L. D. 1455)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Relating to Venue in the Superior Court." (S. P. 171) (L. D. 577)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-141).

Mr. Clifford for the Committee on Judiciary on, Bill, "An Act to Implement the Recommendations of the Trial Court Revision Commission." (S. P. 350) (L. D. 1263)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-142).

Mr. Berry for the Committee on Performance Audit on, Bill, "An Act to Provide for State Financing of the Expenses of the Superior and Supreme Judicial Courts." (S. P. 163) (L. D. 575)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-140).

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act to Include Procedures Performed by Dentists and Dental Hygienists under Health Insurance Policies and Health Care Contracts which Pay Benefits for those Procedures if Performed by a Physician." (S. P. 136) (L. D. 440)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-143).

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Issuing of Fishing and Hunting Licenses." (S. P. 458) (L. D. 1512)

Reported that the same Ought to Pass.

Signed:

Senators:

McNALLY of Hancock
PRAY of Penobscot

Representatives:

PETERSON of Caribou
WALKER of Island Falls
KAUFFMAN of Kittery
MARTIN of St. Agatha
MacEACHERN of Lincoln
TOZIER of Unity
USHER of Westbrook
CHURCHILL of Orland
MILLS of Eastport

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

Signed:

Senator:

GRAFFAM of Cumberland

Representative:

DOW of West Gardiner

Which reports were Read.

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Make Administrative Regulations Available to the Public." (S. P. 296) (L. D. 1022)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CURTIS of Penobscot
GRAHAM of Cumberland

Representatives:

WAGNER of Orono
CARPENTER of Houlton
PELOSI of Portland
KANY of Waterville
COONEY of Sabattus

LEWIN of Auburn
STUBBS of Hallowell
QUINN of Gorham
SNOWE of Auburn
FARNHAM of Hampden

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

Signed:

Senator:

WYMAN of Washington

Which reports were Read.

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

Mr. CURTIS: Mr. President, because this is a divided report, I would like to just make a comment that this is one of those items which is included in the proposed study order, which is tabled unassigned No. 16 on today's calendar, and that study order would call for a thorough review of all of the administrative act procedures; not just publication of the rules and regulations, but all of the administrative acts. And that study, if it is finally approved by the legislature, will be done in conjunction with the detailed effort that is being made by the Maine Bar Association and by the Attorney General's Office.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought Not to Pass Report of the Committee?

It is a vote.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Redefine the Political Activity Rights of Classified Employees of the State." (H. P. 1093) (L. D. 1434)

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

House — As Amended

Bill, "An Act Appropriating Funds for the Osteopathic Student Loan Fund." (H. P. 1037) (L. D. 1323)

Bill, "An Act Relating to Programs for Retarded Individuals in Boarding and Nursing Homes." (H. P. 1052) (L. D. 1326)

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

Bill, "An Act to Redirect the Use of Plumbing Permit Fees." (H. P. 1092) (L. D. 1371)

Resolve, to Reimburse Michael Forrester of Arundel for Loss of Livestock Destroyed by Dogs. (H. P. 1508) (L. D. 1839)

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

Senate

Bill, "An Act Relating to Deferral Charges under the Maine Consumer Credit Code." (S. P. 198) (L. D. 684)

Bill, "An Act Exempting Alcohol and Drug Abuse Centers from Payment of State Sales Tax." (S. P. 265) (L. D. 864)

Bill, "An Act to Permit Housing Authority Commissioners to Serve Concurrently as Commissioners of a Renewal Authority in Certain Places." (S. P. 317) (L. D. 1094)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Authorize the County of Hancock to Collect and Dispose of Solid Waste on a Regional Basis." (S. P. 128) (L. D. 414)

Bill, "An Act Relating to Closing Costs under the Maine Consumer Credit Code." (S. P. 218) (L. D. 717)

Bill, "An Act to Authorize Knox County to Raise \$700,000 for Construction of a County Jail and a District Court Facility." (S. P. 285) (L. D. 995)

Bill, "An Act Creating the Post-secondary Education Commission of Maine." (S. P. 344) (L. D. 1160)

Bill, "An Act Concerning Publication and Public Inspection of Executive Orders." (S. P. 449) (L. D. 1508)

Bill, "An Act Repealing the York Harbor Village Corporation." (S. P. 468) (L. D. 1563)

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

Enactors

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

An Act Concerning the Jurisdiction of the Courts. (S. P. 374) (L. D. 1201)

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

An Act Relating to the Validity of Absentee Ballots. (H. P. 31) (L. D. 39)

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)

An Act Relating to Amount of Annual Excise Tax on Railroads. (H. P. 1494) (L. D. 1740)

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

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

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

Mr. REEVES: Mr. President, I just wanted to make an inquiry on An Act Relating to Amount of Annual Excise Tax on Railroads, (H. P. 1494) (L. D. 1740). Will the Senate have another chance to consider action on this bill.

The PRESIDENT: The Chair will reply in the affirmative, when it is removed from the Appropriations Table.

Mr. REEVES: So I will get a chance to speak against this bill again?

The PRESIDENT: The Chair will reply in the affirmative.

Mr. REEVES: Thank you.

Emergency

An Act Declaring the Lewiston-Auburn Water Pollution Control Authority to be a Quasi-municipal Corporation. (S. P. 316) (L. D. 1093)

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

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

Mr. SPEERS: At the recess of the Senate this morning there will be a joint

caucus in the Legislative Council Chamber to discuss the education subsidy bill. I now move that the Senate stand in recess until the sound of the bell.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate be at recess until the sound of the bell. Is this the pleasure of the Senate?

It is a vote.

(After Recess)

Called to order by the President.

Non-concurrent Matter

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the matter tabled earlier in today's session by Mr. Conley of Cumberland, pending Consideration:

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

In the Senate April 16, 1975, Passed to be Engrossed as amended by House Amendments "A" (H-135), "G" (H-141), "J" (H-144), "M" (H-147) and "N" (H-148), in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendments "J" (H-144), "G" (H-141), "M" (H-147), "N" (H-148) and "R" (H-301), in non-concurrence.

Mr. Speers of Kennebec then moved that the Senate Recede and Concur.

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

Mr. REEVES: Mr. President, I would like to point out in regard to this bill that I feel the Town of Wiscasset is being treated unfairly in this situation, and although I intend to vote for this bill as being the best possible compromise in a terrible situation, I would like to pose this question to the other members of the Senate: how would they like it if one of their communities was singled out in this regard? I hope something can be done in the future to correct this situation.

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

Mr. MERRILL: Mr. President, I would like to just say briefly in regard to this bill that I cannot vote for it. With all due respect to the work that the Education Committee has done and, I think, feeling that much of what is recommended in this bill is a good change made in a good concept of 1994, I think that the provision that has been used to get around the Supreme Court decision runs into the same policy concerns that prompted the provision in our constitution in the first place in regard to fair taxation. I think in all fairness to the committee that has come up with this proposal that they have probably come up with it due to a sense of expediency that fills this capitol of people unwilling to face up to what I think are the hard decisions from honest alternatives.

Therefore, I would ask that when we take this vote we take it by the "Yeas" and "Nays."

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

Mr. KATZ: Mr. President, I would like to lay to rest completely and factually any thought that this bill in some kind of a contrived manner gets around the Supreme Court decision.

The Supreme Court directed its attention to the fact that we were raising more money from the local property tax than we really needed to fund education. And our purpose was then to take some of these local property tax dollars and funnel them

back to certain communities as tax relief. This was offensive within the meanings of the Maine Constitution. The bill presently before you does not directly or indirectly do any such thing. The tax relief that is the second part of this bill, in fact an appropriation measure, uses pure state dollars to accomplish this purpose. And the Supreme Court was very clear that it had a completely different attitude towards expenditures or appropriations out of state sources than it did for local property tax raising.

You will note that as a result of the Supreme Court decision, the uniform tax rate to support education has been reduced from 13½ to 13¼ mills, and literally, factually, directly and indirectly we have complied in spirit as well as in fact with the Supreme Court decision.

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

Mr. BERRY: Mr. President and Members of the Senate: I too am going to vote against the bill. I think the matter is not whether the bill is an attempt to circumvent the decision of the Supreme Court, but rather its expediency and its unfair treatment of a taxpayer, and the fact that immediately the increased cost is going to be passed along, to a large extent, to a segment of the state served by this one utility. I can appreciate the fact that statesmanship perhaps has been involved here in an attempt to arrive at a compromise. The compromise very definitely is an unfair one, and I personally am very much opposed to this method of straightening the matter out.

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

Mr. CURTIS: Mr. President and Members of the Senate: I will be supporting this bill. I think it is indeed a step that will work toward insuring that the goal we set for ourselves with 1994 may be achieved so that all school children in the state will have an equal opportunity for education, and quality education at that, and that the taxes in the state will be assessed in as equitable a situation as possible. But beyond that, I would like to make a couple of comments about all of the efforts that have gone into producing this document before us in the face of a number of hardships that we are all aware of.

I think there are some kudos that belong to the Appropriations Committee and its leadership, the leadership of this house and the other, and in particular the hard work of the Education Committee and especially its Chairman, the Senator from Kennebec, Senator Katz. I am privileged to be his seatmate and I have seen over the last few months the number of pieces of correspondence that have come to him, and some of those that are of course unsigned, and none of us like to get anonymous letters. But Senator Katz has approached the entire problem in a statesmanlike manner and with kindness and equity — perhaps we should call him "Gentle Ben" — and in a fashion that is truly the best that the State of Maine has to offer. So in voting for this, I will also be once again expressing my faith and trust in some hard work by a lot of dedicated people.

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

Mr. SPEERS: Mr. President and Members of the Senate: I don't think that

(this body ought to forget the very trying days that came upon us at the beginning of this session, the questions that were raised regarding not only the application of L. D. 1994 but the philosophy of L. D. 1994 as well; that philosophy being, of course, that 50 percent of the cost of education would be funded out of the general fund and 50 percent out of the property tax.

To arrive at the application of that philosophy, the state instituted a statewide uniform property tax, and that tax and the valuations that came about because of it created certain undeniable hardships in certain areas of the state. The property taxes of individuals were increased in isolated instances by a significant amount, significant to those individuals who happened to be peacefully living in their own homes, and who suddenly found their property tax to be quite considerably more than they had been used to paying or had been planning to pay.

I think all of us have received a number of letters from these communities which have undergone this kind of a situation, and we must really pay attention to the problems that these individuals have faced. In very many instances these are individuals who are suffering the problems, the problems that are indicative of property taxation itself, and that is the inability to pay and those who are least able to pay which is really the real problem with the philosophy of property taxation.

I am reminded of many letters which I received from many communities around the state, but the figures that stick in my mind are those that are given from the community of Raymond, where the property tax was raised from raising \$400,000 to raising \$611,000. Now, that may well be the just share of the Town of Raymond compared to the rest of the state, but it is a significant impact on the individuals who live in that town to be taken into consideration all at once, all in one year.

Therefore, the attempt on the part of the Committee on Education, and on the part of the legislature as a whole, has been to provide some kind of relief to those individuals who are hit so suddenly and so completely with such a significant increase in their property tax. I think that the House and the Senate, the legislature as a whole, and the Committee on Education have been very responsive to this unique problem, and I think they are to be very highly congratulated for being responsive to this problem. And I would hope that if there are reasons for individuals to be voting against this particular measure at this time that it would not be because they are turning their backs on the problems of these individuals who are hit so hard and so suddenly with an increase in the property tax that could very well be threatening their very homes.

I think this is a good measure, Mr. President. I support the philosophy of L. D. 1994. It supports the philosophy of funding the cost of education by 50 percent out of the general fund and 50 percent property tax, but this measure also takes into consideration the very special problems of a number of citizens of this state, and I would hope that this body would not ignore those problems and not turn its back on those people who are faced with a real hardship in this transitional period.

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

Mr. CONLEY: Mr. President and Members of the Senate: When 1452 originally came before this body I voted against it. I voted against it because I felt that my community and many other communities throughout the state were being asked to raise money to pay to many of these 55 coastal communities who were all of a sudden overburdened with the very high increase in taxation. I felt it was unfair for my community and those other communities to have to pick up the increased cost of education for those communities. In fact, this chamber is well aware of the fact that a member of my delegation from my community was responsible for a communication and this bill going to the Supreme Court, whereby it was ruled invalid and unconstitutional.

Perhaps the document before us today doesn't really measure up to the satisfaction of everyone, but I intend to vote for it. I think it is far better than the original L.D. was, after several amendments were put on it.

I too share the same feelings toward the Education Committee, leadership and the chief executive about the very complex situation that has been brought before this Senate. I again recognize that there are still problems, but I feel that at least this is a step toward trying to correct some of the injustices that were in the original document before us. So I would request and urge that not only the members of my party but the members of the entire Senate support the engrossment of this bill.

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

Mr. MERRILL: Mr. President, I would just like to say by way of clarification a couple of things. First of all, I share the appreciation for the hard work that has been done by the people who have been concerned with this problem, and I share the concern about the people in those areas that have been hard hit by the effect of the equal property tax that was assessed by the vehicle of last session's 1994, and I share the goals of 1994. It is not my intent, and it would not be my intent to turn my back on those taxpayers that have been hardest hit by great increases, but there are other ways that we could have gone that I think would have been more honest.

Those ways could have included the passage of a circuit breaker. It could have included increasing the state's share to a portion where the amount assessed on these communities would have been less. I think these methods would have been straightforward and I would have gone along with them, even if it meant having to vote for a tax increase. That is obviously probably not the will of this legislature, and I am sure that my views on this matter will not prevail here today. But it is an important matter. It goes not only to the funding of education but a fair and honest approach to taxation, something that I feel very strongly about.

So in rising to speak against this, I don't speak against the goals and I certainly don't speak against the sincerity and the hard efforts that have been made on it. But in my opinion, balancing it all out, this is another tire patch on a tire patch on a tire patch. I think there is a more direct and honest way we could have taken, and I can't support this even though it has much in it that I agree with.

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

Mr. KATZ: Mr. President, the tire patch philosophy has been much in the press. The press uses expressions like

"patchwork", "bandaid", and in this morning's paper, "a temporary solution". I suggest to the Senate today that the bill in front of you is none of those things, that this is major legislation which will have lasting implications for school finance in the State of Maine. In combination with 1994, it is a very important evolution of a program that the legislature has said on numerous occasions it supports.

There will be an interim study of the whole question of school finance, and I hope it is a good one. Can I point out to you that there is always an interim study of school finance, because you can't spend a quarter of a billion dollars without monitoring very carefully, and it is very probable and possible that we will make improvements over the interim.

I would like to wrap my remarks up, Mr. President, by making just a couple of brief comments about the cost of education in the State of Maine because I think that in many respects L.D. 1994 might well be renamed 1984, because much of what has been said would do credit to George Orwell.

The Bangor Daily News in an editorial said that we are being driven to the brink of bankruptcy by the cost of education. I find that interesting because Bangor, where the paper is published, is probably going to raise about a million dollars less from local property tax this year than it did three years ago. And if this is being driven to the brink of bankruptcy, I am not sure.

I perplex with you, with the good Senator from Cumberland, Senator Huber, about the increasing cost of education. And I perplex with you exactly what it is we are buying. But let me give you a few statistics as we are being pushed to the brink of bankruptcy by the untrammelled spending. If you take a look at the total expenditures of state and local government in the State of Maine and ask yourself where do we put our dollars compared to other states in the nation, you might be interested to know that the State of Maine is eleventh in the nation in our appropriations for welfare; we are sixteenth in the nation in our appropriations for transportation; we are thirty-sixth in the nation for our expenditures for education. That gives an idea of how fast we are being pushed to bankruptcy.

How much do we spend on students in the State of Maine? Well, there is such a thing as a per pupil cost. And when we evaluate the fifty states in the nation and how much they spend per pupil per year, the State of Maine finishes forty-sixth, behind New Hampshire and behind all the other New England states. We are spending a lot of money, but I think we ought to be more concerned with what we are buying for the money than getting panicky that we are spending too much.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that the Senate recede and concur with the House. A roll call has been requested. In order for a roll call to be ordered, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that the Senate recede and concur with the House. A "Yes" vote will be in favor of

receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Johnston, Katz, Marcotte, McNally, O'Leary, Pray, Reeves, Speers, Thomas, Trotzky, Wyman, Sewall.

NAYS: Senators Berry, R.; Jackson, Merrill, Roberts.

A roll call was had. 29 Senators having voted in the affirmative, and four Senators having voted in the negative, the motion prevailed.

Thereupon, under suspension of the rules, sent forthwith to the Engrossing Department.

Orders of the Day

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

Bill, "An Act to Create Hospital Administrative District No. 5 in Piscataquis and Penobscot Counties." (H. P. 1099) (L. D. 1382)

Tabled — May 5, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-205).)

(In the Senate — Committee Amendment "A", Adopted)

On motion by Mr. Corson of Somerset, retabled and Specially Assigned for May 15, 1975, pending Passage to be Engrossed.

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

Senate Report — from the Committee on Legal Affairs — Bill, "An Act to Establish the Public's Right to Know Governmental Business and to Repeal Statutory Authority for Executive Sessions." (S. P. 149) (L. D. 512) Leave to Withdraw

Tabled — May 9, 1975 by Senator Speers of Kennebec.

Pending — Motion of Senator Reeves of Kennebec to Substitute the Bill for the Leave to Withdraw Report.

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for May 15, 1975, pending the motion by Mr. Reeves of Kennebec to Substitute the Bill for the Leave to Withdraw Report.

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

Bill, "An Act to Reassign the Functions of the Department of Commerce and Industry and the Office of Energy Resources." (S. P. 440) (L. D. 1456)

Tabled — May 9, 1975 by Senator Speers of Kennebec.

Pending — Adoption of Committee Amendment "A" (S-133).

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Adoption of Committee Amendment "A".

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

Bill, "An Act to Specify which Activities on Lands Adjacent to Great Ponds, Rivers, Streams and Brooks Need Permits." (S. P. 514) (L. D. 1876)

Tabled — May 9, 1975 by Senator Trotzky of Penobscot.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-147, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the fifth tabled and Specially assigned matter: Bill, An Act Relating to Ballots Containing Improper Write-in Votes. (S. P. 84) (L. D. 255)

Pending — Enactment.

(In the House — Passed to be Enacted.)

On motion by Mr. Corson of Somerset, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-146, was Read.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, very briefly, this amendment will clarify some language that has given rise to considerable confusion, and the amendment would make it clear that it has been the intention of the legislature right along that in order to have a vote counted the vote must be within the box that is provided on the ballot for marking one's vote.

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

Mr. Conley of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

On motion by Mr. Speers of Kennebec, a division was had. 12 having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

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

Mr. CONLEY: Mr. President and Members of the Senate: If one would take the time to read this amendment, it is very clear that it would void practically any ballot that did not have a check mark directly in the square on the ballot. All one has to do is try to imagine, if one can, how our state ballots are printed. We know they are generally in very small letters and blocks, and it seems to me that this type of an amendment would certainly work to the disadvantage of many of our elderly citizens or people like myself, who really under a legitimate claim would possibly be getting some type of a grant from the state for being legally blind.

I certainly believe it is a hardship to adopt this amendment because it certainly is going to work to the disadvantage of people who are trying to exercise their right to vote. It has always been the contention by the courts that it was the intent of the voter as to how one checked their ballot, and I see no reason why that law shouldn't stand the way it is and the interpretation of the court remain. For us to adopt this amendment would mean practically that the check mark must be squarely placed in the box; to do otherwise would invalidate his or her vote, and I would move the indefinite postponement of Senate Amendment "A".

The PRESIDENT: The Chair recognizes

the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I just want to clarify a couple of comments that were made by the good Senator from Cumberland, Senator Conley.

There is no requirement, as he would have us believe and imply, that the mark must be placed squarely within the box. If you read the amendment, it states that some part of the cross or checkmark is within the proper square. That is all that is required. Some part of the checkmark must be within the box.

Now, this amendment does not create any hardship on anyone. If anyone can read the names on the ballots, they can certainly see the box on the ballots. It is state law at the present time — and if you all recall looking at the ballot, you will see at the top of the ballot the instructions which very clearly state — and this is written right into the statutes — that the individual must place his mark within the box beside the candidate's name that he wishes to vote for. Now, what this amendment does is to clarify that that is the case, that you have to put a mark within that box, and not somewhere above or below or beside or across the way from that candidate's name. It clarifies a problem that has arisen and is prevalent at the present time as to how you decide what the intent of a particular voter has been or was at the time that he was voting. It very clearly states a very simple procedure that has been the election process in this state and in this nation ever since elections began, and that is that you put the mark within the box. I urge the adoption of this amendment.

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

Mr. CONLEY: Mr. President and Members of the Senate: Some members of this body have undergone some challenges on recounts. In fact, I think the presiding officer had one very early in the session. The fact is that when the original initiative petition to remove the big box from the ballot was presented to this legislature, it presented to the legislature what we call the office type ballot. At the same time it removed the so-called check box from the right column to the left column, with the party designation of such being put in the smallest print that it possibly could be.

Now, many people in having voted over the years have got accustomed to checking on the right; that is, out at the end of the ballot where there was a spot normally for people to check. Many of our citizens are still accustomed to either hitting the column on the right or the column on the left. There is no question what the intent is of the voter when they have exercised that right to check out at the end on the right where they have normally done so over the years, and this amendment is just to cloud the issue once more. It is to make sure that once somebody checks out on the right column that no longer will their vote be counted.

Now, we are trying to encourage people to exercise their right to vote, and I think we should give them that right, and not cloud the issue with an amendment such as this one.

Perhaps I was in error, in a sense, in saying that any part of the checkmark not being in the box would invalidate it. That is not true, as I reread the amendment. But what it does do, though, is that those people who have normally voted by checking on the right-hand side of the

ballot beside the candidate's name would now have their votes invalidated. And we know that currently — and I could care less as to how this recount business is going on or how it ends because I think there is a clear indication as to how the voters have spoken — but I think to adopt this amendment would be a tragedy. If anything, you should put boxes on both the left and the right and then allow the people to check either way. But this amendment clearly is drawn for that sole purpose as to eliminate anyone checking at the right-hand side of the ballot, and again. I hope that the Senate would indefinitely postpone this amendment.

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

Mr. REEVES: Mr. President, I am not saying that this bill is aimed at me in particular, but I was, as far as I know, the only write-in candidate to become a member of the Senate at this time, and I am very concerned by this bill, and in particular the amendment, because it is a very confusing thing to ask people to write your name in. I needed 111 write-in votes to qualify for the ballot. It is true I got more than I needed, but one-quarter of them were disallowed.

I think that the way this amendment is worded, and in particular the statement of fact with two double negatives in it, I mean, it is just completely confusing and incomprehensible. I really do think that it could stand a little more work. It is a very difficult matter and I wish somebody would table it for at least a day.

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

Mr. CORSON: Mr. President, I think I can answer the question raised by the Senator from Kennebec, Senator Reeves, regarding the purpose of the bill itself, which I think right now is getting confused with the amendment.

Both the bill and the amendment came out of experiences on the Senatorial Vote Committee. I think I can safely say that the Senator from Penobscot, Senator Pray, introduced this document to correct a problem that arose during the conduct of the Senatorial Vote Committee's business, and that was that we found some ballots with the x mark made where the write-in candidate should be written in, and yet there was no name, no town, nothing; it was simply blank.

The prevailing law court decision dates back, as I recall, to somewhere around 1906, and it was based on an entirely different ballot. But, nevertheless, the law court decision was that that X mark, even though it is not next to anybody's name, has to count for the name nearest to it. Now, on some of these ballots people managed quite well in their voting to put an X beside somebody's name. I think most of the people on the committee agreed that the voter was really trying to indicate that he didn't want to vote for either or any of the candidates in that particular category. Nevertheless, this was the prevailing law. The only way to change it would be to go to the law court with a case and try to overturn the previous decision or to change the law and clarify it. This is what L. D. 255 does.

Now, the amendment we are offering is seeking to remedy yet another problem we encountered. The problem we faced, and the problem that is faced by everyone who is involved in a recount or an examination of the ballots, is the question posed by the

prohibition against distinguishing marks. Now, to protect the integrity of the ballot, I think everyone will agree we must not allow a voter to mark his ballot in such a manner that it can be identified.

For an example, suppose I am running for re-election and I want to buy a few votes. So I might go to someone and say I want you to vote for me, and I will pay you a dollar or a fifth, or whatever the going rate might be, and I will say — because I am not going to trust him — I want to know which ballot was yours, so I want you to write in Mickey Mouse for governor, or I want you to put your X mark not in the box but right against my first name, and that way I will know that you voted for me. And I will tell somebody else to do something a little bit different on the ballot. We have to, I think preserve the integrity of the ballot. Therefore, we have to draw some lines as to what constitutes a distinguishing mark and what is a legitimate ballot.

Now, I am not saying that there have been any cases of fraud in past elections, but once you start setting precedents that might open this up, I think we could be inviting some ballot fraud. This amendment will simply say that it has to be in the box, at least part of the checkmark or the X has to be in the box.

The ballots used in the last election, I think everyone will agree, were very poorly structured. Now, the Committee on Election Laws has been working very closely with the Secretary of State's office to try to resolve this problem. This can be done administratively. It is being undertaken at this time, to try to design a ballot that is easier to read and is not confusing. We are also looking into the possibility of having designed a ballot, taking it to a few schools and saying we are going to furnish your ballot for your school elections, here you go, and we will run a test on it. And we will see if there are a lot of the same types of errors showing up on a ballot, and if so, then there is something wrong with that structure, and let's re-examine it.

Now, I say let's not confuse ballot structure with this amendment. The amendment is important to preserve the integrity of the ballot system. The confusion that has existed in some elections can be taken care of by ballot design, and I will state that we are taking a good hard look right now at putting the box back on the right-hand side or, as the Senator suggested, having a box on either side very clearly indicated that you can vote on either side, whichever side of the ballot you prefer, as long as you stick to one side so that you don't set up a pattern that can be distinguished.

I hope that answers the questions.

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

Mr. DANTON: Mr. President and Members of the Senate: I have been listening to the debate and I am somewhat confused. I have, I think, what is the solution to the problem. I think we should kill this bill and the amendment and bring the big box back.

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

Mr. CIANCHETTE: Mr. President, I rise to support L.D. 255, and I am opposed to the amendment. I believe the amendment is just another little step in the direction of making things difficult. And God knows, we get enough flak about trying to design laws to make it more

difficult for people to live under, and I think the amendment does it.

Now, I would like to give credit to the Election Laws Committee because I know they are working hard at designing a more understandable and clearer ballot, and I wish them all kinds of success. I know they have been working very diligently at this problem, and I would hate to see them lose it up by making stipulations that are really not in order and are unnecessary.

You know, on the tabling motion earlier our two party whips had us troops right in line, and you will notice we voted, I think, to a man down party lines on the tabling motion, but I submit to you that this amendment certainly knows no party lines. It is simply do you want to take away the right of a person to vote and take away his intent to clearly mark the ballot. This is one way to do it. What do you care? What do we care as Senators? What do we care as lawmakers? As long as the name is there and the check mark is in that line with that name, what do we really care if that mark is on the right or on the left or in a box or beside his first name?

I submit that the tales of integrity for the ballot and protection from buying votes, and so forth, really is a little bit way out, and I personally don't feel that this legislature ought to be passing any more laws like this that further restrict people and take away their rights. I believe this is what does it, so I beg you to vote for indefinite postponement of the amendment.

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

Mr. SPEERS: Mr. President, I really don't think that such phrases as "taking away the rights of individuals" belong in the debate regarding this amendment.

The good Senator from Somerset, Senator Cianchette, requested that we try and make things a little easier and not make things more complicated. Well, I would submit that this amendment does precisely that. It makes things a lot easier.

Now, you can picture a ballot with a checkmark outside of the box somewhere else on the ballot. Perhaps it is close to a name, perhaps it is not. How close must it be to the name before that check should be counted in favor of that candidate? Should it be touching the name itself? Should some part of that checkmark actually be touching the name? Can it be right next to the name or may it be placed out in the margin? Let's say it is almost right in between both names. How are you going to determine which name that individual intended to vote for? I suggest that this amendment, by making it clear that the individual must put some part of that checkmark actually within the box, makes the whole procedure of counting these ballots a lot more simple and a lot more accurate and does away with a lot of the problems that have arisen.

I would urge the Senate to vote against the motion to indefinitely postpone.

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

Mr. CONLEY: Mr. President, In response to the words of the good Majority Floor Leader, the Senator from Kennebec, Senator Speers, I would just again make known to the Senate that there were thousands — thousands — of ballots in the past election whereby the checkmarks were put on the right of the ballot, nowhere near the box. The box obviously is in the left-hand column, and the checkmarks

were made out beyond the name of the candidate running for office. I am sure, Mr. President, that you are well aware of that situation.

I would also inform the Senate that it was the former attorney general, past attorney general, who ruled or gave an opinion that those checkmarks were valid — were valid — that the voter made his intent clearly known. Now, people obviously voted out on the right-hand side of the ballot because they thought that is where they had to make their checkmark. I again remind you that there were thousands, and this amendment would invalidate each and every one of those votes. So it is not just a simple thing, and it is an item for debate here, that you are, if you adopt this amendment, disenfranchising a great number of voters, and particularly again the elderly. And I don't know how they vote. They may think the majority party of this Senate is great. Obviously they must have thought that; there is a majority here. But any time that my party and the majority party have debated the ballot, the big box or anything else, we have always come out the winner, and I can assure you we will win again if this amendment is adopted.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Conley, that Senate Amendment "A" be indefinitely postponed. The Chair will order a division. Those Senators in favor of indefinite postponement of Senate Amendment "A" will rise in their places until counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Conley, that Senate Amendment "A" to L. D. 255 be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cyr, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves.

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

A roll call was had. 14 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion did not prevail.

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

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

Bill, "An Act to Establish County Commissioner Districts in Cumberland County." (H. P. 223) (L. D. 279)

Tabled — May 9, 1975 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.)

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

Mr. BERRY: Mr. President and Members of the Senate: I very carefully reviewed the bill. I think it presents some obstacles to good government which we really don't need in Cumberland County, and I would move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that L. D. 279, "An Act to Establish County Commissioner Districts in Cumberland County", be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

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)

Tabled — May 9, 1975 by Senator Speers of Kennebec.

Pending — Adoption of Senate Amendment "A" (S-124).

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would like to describe briefly the proposed medical school and clarify some aspects of the program which were not clear last time this L. D. was up for debate.

The initial one and a half to two years would be offered in conjunction with the University of Maine at Orono, actually located in presently underutilized space at the Brewer Bangor Mental Health Institute. For the third year the students would be divided into groups, with some at Maine Medical Center in Portland, some here in Central Maine at the hospitals currently cooperating in the Central Maine Family Practice Residency, and the rest at Eastern Maine Medical Center in Bangor. No student would receive all of his clinical instruction at Down East Community Hospital in Machias. Rather, all students would receive some instruction during their fourth year in small hospitals such as that in Machias.

Although the orientation will be towards family practice and primary care, this will not be a second class educational program. Graduates will be eligible to enter traditional specialties, but because of the selection process, the curriculum and the experiences in underserved areas during school, most graduates are expected to choose family practice. A number of recent studies have identified the factors important in choice of practice location, and these will be exploited by the school.

The school will use innovative new educational techniques. The wealth of self-instructional materials developed by other schools is readily available. The two-way medical television system being installed between the hospitals here in Central Maine, although primarily for the residency program will be invaluable and clearly demonstrates the commitment of the Veterans Administration to aiding and

improving medical education in Maine. (Incidentally, the cost of this system will be nearly \$900,000.)

The proposed school is a cheap way to get into medical education since more than \$7,000,000 are anticipated as direct aid from the Veterans Administration during the first seven years, and this is in addition to the funds that already are being made available to the VA hospital in Togus for improvement of facilities and additional personnel.

The budget is realistic, in that the per-student cost will be on the high median of the national average. The costs are low because of no capital construction for either hospital or basic science buildings. A major share of the high cost of the University of Massachusetts Medical School mentioned last week is the nearly \$65,000,000 for a teaching hospital, with about \$50,000,000 for a large science building. But we are not proposing a medical school like the University of Massachusetts, or any other traditional medical school; rather, we are proposing that Maine assume the leadership in establishing an innovative school utilizing the best of the available new approaches to medical education.

There may be alternatives to a medical school for solution of Maine's health care problems, but we have been trying these here in Maine with varying success. The medical school will bring a new dimension. Residency programs are difficult to develop and maintain without a strong medical school affiliation. These will be part of the medical school's program. Subsidy of physicians to practice in underserved areas has not worked elsewhere — in general, it is not a problem of inadequate physician income, rather it is a problem of professional isolation and overwork. Involvement of local physicians in the educational program and the continuing education programs to be developed by the school will overcome many of these problems.

The cost of the medical school should be thought of as part of our health care costs, not as educational cost only. A major goal of the school will be the improvement of health care in Maine, both as to quality and accessibility. This is not to say that the medical school will not become a major educational component of our university system, for indeed it will. The school will enhance the science capability of the university and will open major new career opportunities to Maine's youths, not just as physicians but also in related biomedical and health care fields. I move passage of this bill.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President and Members of the Senate: I don't feel too strongly about the medical school for the State of Maine. However, I do feel strongly that this Senate Amendment "A" would provide that only the wealthy could attend this school through higher tuition charges. So therefore I move indefinite postponement of Senate Amendment "A".

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

Mr. MERRILL: Mr. President, just a brief word of reminder since it has been a little time since we debated this last. This amendment does provide or does ask that the board of trustees establish a high tuition, but it also provides that there will be established a loan program with up to 100 percent forgiveness for people who

practice medicine in a medically deprived area in Maine. So it will not deprive anybody from going to medical school on the basis of need.

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

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

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise in their places until counted.

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

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I think the good Senator from Cumberland, Senator Merrill, has explained his amendment very well. I am in entire agreement with him and concur with him, because I think he has explained that it was just one more step to insure that we have some of these doctors who are trained at this proposed school stay here in Maine. It has my complete support.

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

Mr. CURTIS: Mr. President and Members of the Senate: Just to be sure that everybody remembers all of the things in this amendment, I would ask if perhaps you might be interested in looking at the amendment which is Filing S-124. In particular, I would point out the bottom section of the first page in which, I think for the first time, the legislature would direct the board of trustees of the University to submit some material to the Joint Standing Committee on Education regarding final drafts of legislation, and so forth.

My objection to this amendment is not the goal that is professed to be achieved by the amendment in the efforts of the sponsors; my primary objection is to that language. I think it would be very unwise for this legislature to take a course of action which commences directing the board of trustees of the University of Maine to do one thing or another thing, because, whereas we may all agree now, and they may be very fine goals that we are directing them to do, in the future, mixing politics and education might not result in such a happy combination. So I am very strongly opposed to the amendment because of that language.

The PRESIDENT: Is the Senate ready for the question. The pending question before the Senate is the motion of the Senator from Oxford, Senator O'Leary, that Senate Amendment "A" be indefinitely postponed. A roll call has been ordered. A "Yes" vote will be in favor of indefinitely postponing Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carboneau, Collins, Corson, Curtis, Gahagan, Graffam, Huber, Jackson, Katz, McNally, O'Leary, Reeves, Speers, Thomas.

NAYS: Senators Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Graham, Greeley, Hichens, Johnston, Marcotte, Merrill, Pray, Roberts, Trotzky, Wyman.

Mr. Reeves of Kennebec was granted leave to change his vote from "Yea" to "Nay".

A roll call was had. 15 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion did not prevail.

Whereupon, Senate Amendment "A" was Adopted.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be engrossed as amended by Senate Amendment "A"?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I request a roll call on the engrossment vote. My mail has been taking a rather predictable turn in the last few days. I remember once standing up and debating against a bill which was for the benefit of a small group of blind people. I remember all too well what it is like to stand up and debate against motherhood. But the medical profession has been really strangely silent. This is the kind of letter I am getting now from a doctor: "We continue to follow your position with a great deal of interest in resisting the development of a medical school in Maine. We think that this is extremely important," the resistance that is. "It would be very expensive and not necessarily deal with the physician distribution and high costs."

I thought the Wall Street Journal article today would perhaps be helpful to you, and it really is. Perhaps sometimes national perspectives might help a little bit. I will read you just one sentence. This is a proposal for a national policy with respect to health costs and delivery of health services. And the sixth one is: "Stop the construction and public subsidizing of new medical schools, and change the present emphasis and training programs to fill whatever voids in professional coverage legitimately exists. We don't need more physicians and surgeons, only a better distribution of them." Then it goes on to indicate that, "There is some thought that if we get enough doctors the competition will push the cost of the delivery of medical services down." But it concludes, "we find actually what happens is, to the orthodox increasing the number of surgeons would seem to cause an increase in competition and lower prices. Instead we find the number of operations increases to fill the professional needs of the surgeons."

Do you notice too a changing attitude of the editorial writers in the state? The Gannett papers have come out rather strongly against the medical school, increasing in the last couple of days. The Bangor Daily News came out this morning with an editorial which I presume supports the school, but if you read it, it is very, very shaky support. I think from the first time this bill surfaced, right up until this present date, it has been an extremely controversial measure. It becomes increasingly controversial as this legislative session progresses, and I urge you to vote against the motion for engrossment.

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

Mr. WYMAN: Mr. President and Members of the Senate: I want to agree with the remarks made by the good Senator from Penobscot, Senator Cummings. Two years ago I would have voted against this bill. Maybe a week ago or ten days ago I had decided I would support withdrawing the bill for a study.

But since then a lot of facts have come to me which have changed my opinion a great deal, and I now feel that we should go along with this medical school proposal.

As for studies, approximately ten years ago a study was completed at a cost of \$80,000 and a report advocated a medical school for Maine. Further, during the last four years there have been three additional studies of this same matter. The first of the last three and recent studies was made by a Dr. Chattee, who recommended that Maine have a medical school. Following this, a second study was ordered and was made by Dr. Oliver Cope of Harvard Medical School, and his recommendation was for a Maine Medical School.

Finally, the University of Maine trustees asked Dr. Freeman to make a study. I am told that Dr. Freeman was definitely against it in the beginning, but after studying it carefully, he reversed his thinking and recommended it. So like many other matters, it has been studied to death. Doesn't all this mean that there is a program and that we should do something about it?

In Governor Longley's budget, there is \$100,000 for 1976 and \$90,000 for 1977, which states it is for the purpose of establishing "A Maine Medical School whose emphasis will be on family practice." And that is what we are interested in. Now, the good Senator from Kennebec, Senator Katz, talks about specialists. I think we have a good number of specialists. I think it is the family practice, the general practitioner, that we need.

Again, it is my understanding that there is at the Bangor Mental Health Center a building containing 78,000 square feet which will be vacated shortly. This will have both large and small rooms, and will all be available for this program. I understand further that the Maine Medical Center, Central Maine, St. Mary's, Seton-Thayer, as well as the Augusta General and Togus, will tie into this program, if we once get under way.

In all fairness, I should say that the Maine Medical is working in cooperation with Tufts, but if the school develops as advised, I understand they will be glad to arrange their program to work with Maine.

Dr. Ohler, Chief of Staff at the Veterans Hospital in Togus, advises that the Veterans Administration will spend approximately one million dollars in remodeling rooms to adapt to this program. I understand that Thayer already has a teaching center.

The program contemplated would provide that the medical students spend their first year and a half at Bangor in conjunction with the Eastern Maine Medical Center and the University of Maine in Orono. After that the students would be broken into groups which would study at Maine Medical, Central Maine, St. Mary's, Seton-Thayer, Augusta General and Togus.

It is my understanding that the \$100,000 required for the first year is already in Governor Longley's budget, and this will generate \$325,000 of federal funds. The second year of the budget, it would require \$200,000 of state funds, and since Governor Longley has provided \$90,000, it would mean an appropriation of only \$110,000 additional.

Actually, the rural areas of Maine are in desperate need of general practitioners. Specialists are very valuable and necessary, but our medical centers have

very good specialists now. The need is for general practitioners who will examine and treat the patients, sending them to a specialist when there is a real problem.

It was developed in a debate in the Senate last week that Maine has one of the lowest ratios of doctors to population in the entire United States, something like one doctor for each 2,000 people, much lower than the majority of other states:

Admittedly, over a period of time this is going to cost money, and although there will be a great deal of federal money generated, it is true that it will cost the Maine taxpayer dollars. But what is more important than the health of our people which, it seems to me, should be given the highest priority.

As I have stated, for general practitioners there are surely plenty of jobs available. But once again, what is more important than the health of our citizens? I certainly hope you will support the move to engross this bill.

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

Mr. CURTIS: Mr. President and Members of the Senate: I have supported this bill in the past, and I just want to explain now why I will be voting against it. And that has to do with the adoption of the amendment, Senate Amendment "A" by this Senate including the language directing the board of trustees to perform certain acts: I look at the University not as a state agency but as a chartered but independent organization, with a board of trustees to whom we delegate and request and expect will act in the best interests of higher education for the University of Maine. I do not think it is good precedent, good form, or good for the future of the state to include the language that is included on the bottom of the first page of Senate Amendment "A". I think the independence of the board of trustees is just too important to be tampered with this way.

The PRESIDENT: The pending question before the Senate is the passage to be engrossed as amended of L.D. 773. 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 those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise in their places until counted.

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

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would hope that we could look at this bill not as the establishment of a medical school that is the usual medical school. This one, I think, has an innovative aspect to it, which is why I think it will solve the problems of rural medicine.

I agree with Senator Katz that there is no such thing as just overkill, as far as the more men you educate to be doctors the more sure you are to get them in the rural communities. This is not true. As I said previously, I think many of the medical men have not taken the rural course just because of isolation and because they have felt that they were not able to give as good medical service without big hospitals close by. These things are changing. There are regional hospitals that are being developed and helped by the federal government, we are in a position now to make great use of cable television and other forms of two-way communications,

so that the new drive for people to live in rural communities instead of large cities, with the combination of these new forms of communication between doctors and the experts, the specialists, I think, with this bill will really give the rural sections of Maine a much greater advantage in the medical field.

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

Mr. THOMAS: Mr. President and Members of the Senate: I debated this issue last week and I do not wish to prolong it. But last week the good Senator from Cumberland, Senator Berry, read the statement of fact and it reminded me of something that I heard approximately a year ago by one of the outstanding doctors in the State of Maine. And my good friend, the Senator from Penobscot, Senator Cummings, has called it innovative. It certainly is. I am reading now from the statement of fact, "The majority of the faculty will be practicing physicians." This doctor who spoke to me about a year ago told me that there wasn't a doctor in the State of Maine qualified to be a teaching physician, and I believe the gentleman.

Also, I mentioned accreditation last week. Do you think this school would ever get accredited with that kind of a faculty? Absolutely not.

How come we haven't heard anything today about the news from last week about the Osteopathic University in Biddeford?

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

Mr. TROTZKY: Mr. President and Members of the Senate: I rise in support of a medical school for Maine. I think, number one, that a medical school itself would attract doctors to the State of Maine, as many doctors go to centers where there is learning, centers of research.

Secondly, we have hospitals throughout the State of Maine in most of our cities, and a medical school would stimulate, I believe, better residency programs in the medical centers in Portland, Bangor, Lewiston and Waterville.

Also a medical school is eventually going to lead to research. And we have many problems in our State of Maine, some of which have been brought up on the floor of the Senate here, such as alcoholic problems of many of our people. A medical school would lead, I believe, in the State of Maine to research on alcoholic rehabilitation and treatment, and essentially I believe that it would upgrade the whole medical profession throughout the State of Maine. I urge the members of the Senate to support this bill.

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

Mr. WYMAN: Mr. President and Members of the Senate: The amendment may not be perfect, but it will take a long time to get this school on the road, and if there are some errors or some sections which should be changed, I am sure that could be done later.

In reply to the good Senator from Kennebec, Senator Thomas, when he says that there isn't a doctor or specialist in Maine that is qualified to teach, it seems to me that is sort of a rough charge to make on our people in our good hospitals, like in Bangor, Waterville, Portland and Lewiston.

The PRESIDENT: A roll call has been ordered. The pending question before the

Senate is the passage to be engrossed of L. D. 773. A "Yes" vote will be in favor of passage to be engrossed; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Cianchette, Conley, Cummings, Cyr, Gahagan, Graham, Greeley, Johnston, Marcotte, Merrill, Pray, Roberts, Trotzky, Wyman.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Collins, Corson, Curtis, Graffam, Hichens, Huber, Jackson, Katz, McNally, O'Leary, Reeves, Speers, Thomas.

ABSENT: Senators Clifford, Danton.

Mr. Wyman of Washington was granted leave to change his vote from "Yea" to "Nay."

A roll call was had. 13 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with two Senators being absent, the Bill Failed of Passage to be Engrossed.

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

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

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. Wyman of Washington then moved that the Bill be tabled, pending the motion by Mr. Katz of Kennebec to Reconsider Passage to be Engrossed, and Mr. Speers of Kennebec subsequently requested a division.

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

Mr. WYMAN: Mr. President, I would ask for a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of 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 Washington, Senator Wyman, that this Bill be tabled pending the motion by Mr. Katz of Kennebec to reconsider passage to be engrossed. A "Yes" vote will be in favor of tabling; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Cianchette, Conley, Cummings, Cyr, Gahagan, Graham, Greeley, Hichens, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Roberts, Trotzky, Wyman.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Collins, Corson, Curtis, Graffam, Huber, Jackson, Katz, McNally, Speers, Thomas.

ABSENT: Senators Clifford, Danton.

A roll call was had. 17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with two Senators being absent, the Bill was tabled, pending the motion by Mr. Katz of Kennebec to Reconsider passage to be Engrossed.

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

JOINT RESOLUTION Memorializing the President and Congress of the United

States to Aid and Assist Vietnamese Refugees. (H. P. 1575)

Tabled — May 12, 1975 by Senator Curtis of Penobscot.

Pending — Adoption.

(In the House — Read and Adopted.)

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

Mr. CURTIS: Mr. President and Members of the Senate: This resolve, which was printed on the calendar yesterday, memorializing the President and Congress to aid and assist Vietnamese refugees, is one that I tabled yesterday because I thought it might be possible to come up with some language which would strengthen the resolve. However, I note from the news that Congress is presently considering this matter, and I think if we are ever to have any input at all from these resolves which we pass that we ought to do them in a timely fashion so that Congress and the President will have an opportunity to consider our suggestions prior to their action.

I think we should commend the President of the United States, who has courageously demonstrated strong leadership and determination in exemplifying the finest traditions of our country by providing assistance to homeless Vietnamese refugees, and I think that we should adopt this resolution. I so move.

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

Thereupon, the Joint Resolution was Adopted in concurrence.

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

Bill, "An Act Relating to the Valuation of Farmland." (H. P. 550) (L. D. 678)

Tabled — May 12, 1975 by Senator Speers of Kennebec.

Pending — Adoption of Committee Amendment "A" (H-237).

(In the House — Indefinitely Postponed.)

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

Senate Amendment "A", Filing No. S-144, to Committee Amendment "A" was Read.

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

Mr. MERRILL: Mr. President and Members of the Senate: Just a brief word of explanation. Yesterday in the course of debate about this bill it was brought up that the bill did two things: it moved the amount necessary to be produced on the land from \$1000 to \$2000; and the other thing, which was my main purpose, was that it allowed that farm commodities produced on the farm for consumption on the farm could be added in for that value. Several Senators during the debate, and many more afterwards, expressed to me their feeling that they would be more than willing to go along with what my main purpose is, to allow these extra things to be added in, these commodities produced for consumption on the farm, but went along with the objections raised by the Senator from York, Senator Hichens, about increasing the amount.

This amendment would take out from the bill the section that would increase the amount and leave the bill in the very

simple posture of just allowing people to add in the value of those farm commodities produced on the land for consumption on the farm in determining whether or not it is a farm. This has to be done for three of the previous past five years, and it puts the burden clearly on the person who is asking for the treatment to prove that he meets the requirements of the law.

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

Thereupon, Senate Amendment "A" to Committee Amendment "A" was Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

Bill, An Act to Amend the Protection and Improvement of Air Statutes. (H. P. 694) (L. D. 881)

Tabled — May 12, 1975 by Senator Speers of Kennebec.

Pending — Enactment.

(In the House — Passed to be Enacted.)

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

Mr. CYR: Mr. President and Members of the Senate: You know, every session of the legislature we always have presented to us a little gem, and this one here happens to be in that nature. I wasn't interested in this bill until it was tabled yesterday and I started looking into it, and the more I read the less I liked it. So I began to research the background of this.

In L. D. 881, if you look on page three, the statement of facts, first of all the bill — and I am quoting: "The bill also removes hearing notice required from the protection and improvement of air statutes." So in other words, they can change the standards without having a public hearing of any kind.

The second item that I object to: "The Bill will provide for enforcement against violations of the statutes, an oversight of the present statutes." So in other words, in the present statutes you have criminal penalties which are permitted, but not civil penalties. So now this bill will add civil penalties to the criminal penalties, and the criminal ones will go to as high as \$25,000 and the civil ones will go to as high as \$10,000 per case.

One line that I don't particularly agree with: "The bill also adopts a regulation promulgated by the Board of Environmental Protection for all emissions standards. Current statutes require that regulations must be adopted by the Legislature at the next session immediately following their adoption by the board or they lapse." I think that is the way it should go. Now, what we are doing is just giving them powers that only belong in the hands of the legislature.

In my research I happened to pick up an interdepartmental memorandum in regards to this item. I am not allowed to quote the source or the department, because apparently they would be afraid it may cause friction with this one. But I will read some of the recommendations that had been made by this department, but were never produced at the hearing because they were afraid they might cause friction. "This is a non-point or an indirect source of air emission control." In other words, it is not like a chimney, for

instance, on a factory; that is not a non-point. This right here would be the emissions that would come from automobiles and so forth. "The existing regulation and the proposed statutes are more restrictive than EPA requirements." What they suggest in L. D. 881 is more restrictive than the EPA requirements. "The former require DEP review and approval of all highway projects resulting in four or more lanes. The EPA regulations, as they appeared in the Federal Register of July 9, 1974 require such review and approval only for highways." — I want you to pay attention to this — "only for highway projects in standard metropolitan statistical areas that would result in an estimated average annual daily traffic volume of over 20,000 vehicles per day within ten years of construction."

Now, I am told that if this restriction had been on the books, the Franklin Street Arterial four-lane road in Portland, for instance, would have never been built. It would have been stopped by these regulations.

I continue quoting: "The EPA regulations promulgated on July 9, 1974 were to remain part of the Maine Implementation Plan until the state adopted its own suitable review regulations to include highways. However, the Federal Register of December 30, 1974 contained a notice that EPA was suspending implementation of its indirect source review process pending further notice." It hasn't been changed. "According to EPA, the suspension will have no effect on the applicability or validity of existing state indirect source laws or regulations, nor will it affect state indirect source laws or regulations which may be adopted hereafter, whether or not submitted to EPA for approval.

"L. D. 881 would require unnecessary permit process," and I am quoting, "would require unnecessary permit process, and if it is made in the form of a law would have no flexibility." Today if there are some differences, they can sit down and iron out their differences, but if this is made the law it would have no flexibility.

I am quoting again, "I think such a law is both unnecessary and premature. It will cost both DEP and MDOT time and money for no tangible benefits except perhaps in the Portland and Lewiston area." In other words, it is just a bad bill, and I move the indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now moves that L. D. 881 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I request the committee report on this bill please.

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Committee on Natural Resources, to which was referred the bill, "An Act to Amend the Protection and Improvement of Air Statutes", House Paper 694, Legislative Document 881, have had the same under consideration and ask leave to report that the same ought to pass as amended by Committee Amendment "A", signed by Thomas J. Peterson.

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

Mr. TROTZKY: Mr. President, I would like to give an explanation of this bill and

correct some statements that were made by the distinguished Senator from Aroostook, Senator Cyr.

He mentioned that what this bill does is eliminate public hearing requirements. This is not true. What it does is delete from the state the lengthy notice requirements for hearings that establish air quality standards, but it does not eliminate the public hearing requirement.

Secondly, this is a department bill, and what it tries to do is make the procedures uniform for the air quality laws and the water quality laws. Right now under the air quality laws there are provisions for criminal penalties. If we attempt to eliminate criminal penalties from our environmental laws then we make a mockery of our environmental laws. And I will read something here from a law that is on the books now, which states that if a person falsifies, tampers with, or knowingly renders inaccurate any monitoring device, he is subject to fines and imprisonment. I believe that is a criminal penalty, or should be a criminal penalty. What the bill does is add civil penalties and injunctive relief as well as criminal penalties.

Another aspect of the bill deals with highways. The federal government has asked the state to promulgate regulations for building of superhighways. Now, under this bill it talks about your superhighways. When you build your superhighways, there can be tremendous amounts of dust and debris in the air, and if there happens to be some cities near that debris in the air, I think the DEP should have sayso on this.

Mainly this bill was intended, again, to make the procedures uniform for both the air quality and water quality laws, and I hope you will vote against indefinite postponement of the bill.

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

Mr. CYR: Mr. President and Members of the Seante: What I read to you is not my thinking. It is an interdepartment memorandum that was passed to me yesterday. Now, if you can give me one reason why the State of Maine should impose on its people stricter regulations and standards than the federal government, then I will withdraw my motion. But this is exactly what you are doing. And don't forget now, this doesn't only affect highways but it also affects parking lots. So actually we would be better off to just let the EPA, the Boston office, come in and take care of us, take care of these things. We wouldn't have to pay this department and these inspectors, and everything else, and we would have a little bit more consideration.

Most of these regulations were made for New York conditions, New Jersey conditions, Washington conditions, and we are far from having the same kind of conditions here in the State of Maine. So what the department wants is to sit down and promulgate. And after they are finished promulgating, they think that this should be the law. I am entirely deadily opposed to that, and I ask for a division on the motion to indefinitely postpone.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I don't believe that statement is accurate. This bill I don't believe creates standards that are stricter than federal standards. This is not the intent of the bill and this is not what is in the bill.

Again, I mention that this bill was put forth by the department, so I would like to see that interdepartmental memorandum, because the department did support this bill and the committee supported this bill.

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

Mr. BERRY: Mr. President and Members of the Senate: I have been reading with a great deal of interest the statement of fact here while I have been listening to some of the debate, and there are one or two things I would like to point out to the members of the Senate at this extremely late hour.

The bill does make provision for hearings on any of the departmental regulations and rules, so it is very democratic in its application and there is no shut-off at all. Quite to the contrary, it maintains openness of the public to regulations of the board.

I am very concerned here that we are putting in jeopardy federal funds. If you read the last paragraph of the statement of fact, it says here that all proper public hearings have been held on this regulation. It was adopted by the board, submitted to the Environmental Protection Agency and accepted as part of the implementation plan, and is required as a part of Maine's implementation plan. I would suggest that we should be very, very careful here not to jeopardize a great deal of money.

I also note a very interesting feature. There is no emergency clause on the bill, but section 7 says a portion of this shall be retroactive to April 10, 1974. This would be a major handspring, if it is possible. I think that perhaps the bill should be tabled, but eventually I think we have got to be very careful to keep this bill alive.

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

Thereupon, on motion by Mr. Wyman, tabled and Tomorrow Assigned, pending the motion by Mr. Cyr of Aroostook that the Bill and accompanying papers be Indefinitely Postponed.

Papers From The House

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

Communication

State of Maine
One Hundred and Seventh Legislature
House of Representatives
Office Of The Clerk
Augusta, Maine 04330

May 12, 1975

Honorable Harry N. Starbranch
Secretary of the Senate
107th Legislature
Augusta, Maine

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 Concerning Listing of Tax Exempt Real Property for Town Reports" (S. P. 496) (L. D. 1843):

Rep. BURNS of Anson
Rep. CARREY of Waterville
Rep. TARR of Bridgton

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Concerning Listing of Tax Exempt Real Property For Town Reports," (S. P. 496) (L. D. 1843), the President appointed the following Conferees on the part of the Senate:

Senators:

JACKSON of Cumberland
GRAFFAM of Cumberland
CARBONNEAU of Androscoggin

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Resolution, Proposing an Amendment to the Constitution to Provide for Annual Session of the Legislature and to Change the Date of Convening of the Legislature, (H. P. 1510) (L. D. 1827), the President appointed the following Conferees on the part of the Senate:

Senators:

GREELEY of Waldo
ROBERTS of York
DANTON of York

(Off Record Remarks)

On motion by Mr. Speers of Kennebec, Adjourned until 10 o'clock tomorrow morning.