

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Wednesday, May, 1975

Senate called to order by the President.

Prayer by Rev. Robert Butler of Hallowell:

Let us pray. Almighty and merciful Father, we praise you humbly and reverently for all that you are and have been to this nation, but more especially to this great State of Maine. We render our thanks to you that you have chosen us to fulfill so great a purpose through this governing body, so help us realize your will for us. We thank you for our prosperity in this plentiful state, our home, and give us grace to use our opportunities for the betterment of mankind. Above all else, we thank you that you have brought us to the knowledge of your sovereignty and creativity, so that in the wisdom and purpose of your being we may accept our responsibility in that wisdom and purpose. Through our thanksgiving we ask for your guidance in these responsibilities to be performed on this day only once lived. May we always be able to listen unto the glory of your holy name, the one God now and forever. Amen.

Reading of the Journal of yesterday.

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

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

In the House May 5, 1975, Passed to be Enacted.

In the Senate May 6, 1975, Indefinitely Postponed in non-concurrence.

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

Mr. Conley of Cumberland moved that the Senate Adhere.

Mr. Berry of Androscoggin then moved that the Senate Insist and Join in a Committee of Conference.

Mr. Conley of Cumberland requested a division, and subsequently Mr. Berry of Androscoggin asked 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 more than one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise in their places until counted.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, is the item debatable at this time?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. CONLEY: Mr. President and Members of the Senate: I have very few words to say on this, but one thing that would disturb me if this bill were to be enacted would be that the State of Maine would be placed in the awkward position of having to celebrate Memorial Day on two different dates. The debate has been, I think, clearly put to the Senate over the past several weeks that most people would like the opportunity to enjoy Memorial Day on a three day week-end. It certainly gives every one of us the benefit to extend ourselves much further under a condition such as this. I just believe that if we do not vote to kill this bill then we are going to create many serious problems within the state. Thank you, Mr. President.

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

Mr. HICHENS: Mr. President and Members of the Senate: In response to the Senator from Cumberland, Senator Conley, I think this is an old, well worn excuse. When the State of Maine held to the original Thanksgiving Day we had the same problem, that they would be observing two Thanksgiving Days in the state. When we changed Veterans Day back to the 11th of November we had the same excuse given to us, and now we are getting it again. We have done it on these two other occasions, and there is no reason why the State of Maine, along with two or three other states that observe Memorial Day on the 30th of May, can't lead the way in bringing the United States back to its senses.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Androscoggin, Senator Berry, that the Senate insist and join in a committee of conference. A "Yes" vote will be in favor of insisting and joining in a committee of conference; a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

YEAS: Senators Berry, E.; Berry, R.; Corson, Curtis, Cyr, Gahagan, Graffam, Graham, Greeley, Hichens, McNally, O'Leary, Reeves, Roberts, Speers, Thomas and Wyman.

NAYS: Senators Carbonneau, Cianchette, Collins, Conley, Cummings, Danton, Huber, Johnston, Katz, Marcotte, Merrill, Pray and Trotzky.

ABSENT: Senator Jackson.

A roll call was had. 17 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with one Senator being absent, the motion prevailed.

**Non-concurrent Matter**

Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers." (H. P. 991) (L. D. 1255)

In the House May 8, 1975, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-265).

In the Senate May 12, 1975, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

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

**Joint Order  
STATE OF MAINE**

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of David Zobel of Gray State Spelling Bee Champion for 1975

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1581)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Communications**

Members of the Senate and House of Representatives of the 107th Legislature

After long and careful consideration, I have decided to return L. D. 909, An act relating to specially designed plates for the Maine National Guard, to the Legislature without my signature.

It was not an easy decision since I have great admiration and respect for the members of the Maine National Guard. My concern is that the bill is discriminatory and that it might set a dangerous precedent for legislatures and governors who will follow. I fear that they would be flooded with requests from groups and organizations from inside and outside state government for specially designed plates.

It has been said that this bill would not cost the state money and that, in fact, it might increase state revenues by some \$3,600. However, I am not convinced that this estimate takes into consideration all the indirect costs such as handling and record-keeping. In any event, I think we should look down the road and see if there would be additional costs if several groups each session came forward with requests for specially designed plates.

I have been told by well-meaning members of the legislature that this bill is "minor" and that it is not worth a veto that might be over-ridden by the legislature. First of all, I do not view any piece of legislation as minor. If it is worthy of the time, effort and money put forth by the legislature to see it through the legislative process then it certainly is worth my time and effort as governor to give it full consideration and to base my decision on what I feel are its merits and demerits, not whether it is a "minor" bill designed to please a particular group.

After carefully weighing the merits and demerits of this piece of legislation, I have decided to return it to the legislature without my signature.

I have tried to make it clear that as an independent governor who has said he will not seek re-election that I do not view a legislative decision on my gubernatorial veto as a victory or defeat.

All my decisions on legislation that has come to my desk this session have been made based strictly on the merits of the legislation. I plan to continue that policy and will view any legislative over-ride only as a co-equal branch of government exercising its rights.

Very truly yours,  
JAMES B. LONGLEY  
Governor  
(H. P. 1584)

Comes from the House, Read and Ordered Placed on File. The accompanying Bill, "An Act Relating to Specially Designed Registration Plates for the Maine National Guard" (H. P. 733) (L. D. 909) came from the House with the following endorsement:

"In the House, May 13, 1975, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

106 voted in favor and 36 against, and accordingly it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.  
(Signed)

EDWIN H. PERT  
Clerk of the House

Which was Read.

The PRESIDENT: The pending question before the Senate is shall this bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays". A Vote of "Yes" will be in favor of the bill; a vote of "N" will be in favor of sustaining the veto of the Governor. Is the Senate ready for the question?

The Chair recognized the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I rise to encourage support for the bill. It is with reluctance that I say a vote for the bill might be interpreted as a vote against the Governor's position, but I think perhaps the Governor might not have been fully informed on what is involved here.

I am sure that we are all aware that there are many, many types of special plates in the state. Certainly one more recognizing a very, very valuable, dedicated group of people is very much in order. This bill will not be an expense to the state. As I indicated, it does recognize a valuable contribution made to our state by the National Guard. This is a group that has had a long dedicated history of valuable service to the state in time of need and in time of war. The addition or recognition to this group is a meritorious one. There are many plates which are of a frivolous nature, but this is an extremely rewarding gesture to a group of people who whenever they are needed are called upon to serve their state. I would urge you to vote "Yes" on the motion.

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

Mr. CONLEY: Mr. President, I am going to vote this morning to sustain the veto of the Governor and will vote "No" when the roll is called.

Several days ago I pointed out my objections to this type of legislation. I feel honestly that we don't need this kind of legislation, that to pass this bill over the objections of the Governor is going to open up even further more delineation of the current practice of the state. I have stated in jest that perhaps the Mickey Mouse Fan Club will be in next week with all the Walt Disney cartoons to have put on plates. Perhaps the Boy Scouts and Girl Scouts would like license plates. I think this is really not that significant piece of legislation that we can take the time of the Senate to continue to debate its merits or demerits, but I would hope that the Senate would join me this morning in voting "Nay" when the roll is called.

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

Mr. GRAHAM: Mr. President and Members of the Senate: Although I voted in favor of this bill, the arguments of its opponents did not leave me unmoved. They pointed out that by granting the National Guard special license plates we would be favoring one group, we would be discriminating. I have here in my hand an example of this sort of discrimination. I myself never affixed these discriminatory

legislative license plates to my car; I would be uncomfortable — someone might ask me to explain 1452. But I realize that just because I am abstemious in this respect it does not follow that there shall be no special license plates for others. The precedent is too hallowed. Consider not merely our own license plates, but all those special plates that can be ordered. You have seen the list, some of them are obscene. I cannot see, therefore, how we can deny special plates to the National Guard for their own pleasure, and in case of emergencies to facilitate their travel. Hence, I shall vote to override the veto.

Vetos, it seems to me, are like thunderbolts to be reserved for the wicked, not squandered on innocuous bills like this. Why smite a butterfly with a sledgehammer?

Far from costing us a bundle, L. D. 909 would bring the state \$5 for each set of special plates sold. Not only will the bill make people happy, it will help balance that sacred item, the budget. In short, Mr. President, and Members of the Senate, we have no license to kill this bill.

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

Mr. McNALLY: Mr. President, I would just like to answer one thing that was brought up about this being a bill which perhaps we shouldn't pay any attention to or give any credit too. Being on the Fisheries and Wildlife Committee, I have seen many bills that I didn't consider too important. For instance, that we could allow somebody to train a coon dog. I don't know what would be important about that. Back in the old days they were able to train a coon dog without a bill for it, but we had a bill for it, it has passed, and I see that it has been signed by the Governor and is posted down there on the wall.

Here is an outfit that comes into your town, does the work free of charge, instead of doing what I did when I was in the National Guard in the 20's going to Camp Devens, and since I was a Sergeant of the Mounted Scouts, they used to give me an artillery horse — that is when they use to haul around the cannons with a horse — and that is what I had to ride as a Mounted Scout. I never did ride the horse but just one day, because I had to for that particular day for a parade, but that was all. I can't understand why they would use the argument that if they had a disaster, and these people rushed with their cars to that disaster, that maybe some of their family later on would be using the car and getting in within the lines, that has been brought up this morning.

I think if there is one outfit that deserves to have special plates, that this outfit ought to deserve it just as much as when we passed a ruling, that has been put through, to give the people in wheelchairs a plate which shows them with a wheelchair on the side and that they are crippled. I think this is just exactly as important as those plates were. I can't see whereby the Girl Scouts or the Boy Scouts or any other organization is going to get in on it because none of these plates are printed unless they are paying for themselves. And 25 percent of the entire National Guard has to guarantee that they are going to buy these plates or there will be no plates, period.

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

Mr. CORSON: Mr. President and Members of the Senate: I rise to support the bill. I think we will find on your desks,

distributed at my request, a list of some of the more intriguing vanity plates that have been issued in the State of Maine. I originally planned to read it, but I am not sure I would want to be on record of reading some of these interesting names. Also I think you will find, distributed by the good Senator from Penobscot, Senator Curtis, a sample of just what we are talking about.

Now, I have to disagree with the message of the Governor in which he said that it might set a dangerous precedent. We already have the precedent set for special license plates. We have special license plates for the Governor, for the President of the Senate, for the Secretary of the Senate, for all the Senators, for the Speaker of the House, for the Clerk of the House, for all the members of the House, for members of the Governor's Council, for the Transportation Department, for the Conservation Department, for the State Police, for the handicapped, for state vehicles, municipal vehicles, county vehicles, sheriff's office, police departments.

The argument that the Boy Scouts and Girl Scouts will be in here next I don't think should carry too much weight. Granted, they may apply for it, but I think it is somewhat of a different category. We are talking about an agency of the state; the National Guard. I think it might do us well to reflect for a moment on just what the National Guard is.

Early this morning I took a walk down on the second floor in the Hall of Flags. I recommend it to anyone. There on display are the battle flags carried by the Maine regiments in three very bloody and terrible conflicts: the Civil War, the Spanish American War, and World War I. These Maine regiments are the ancestors of our Maine National Guard and they have a very proud tradition. It is because of these regiments and regiments like them that we are here today in this chamber.

If you look back to the Civil War in 1863, the first three days of July, the Battle of Gettysburg, which was the turning point of that conflict, and the turning point in that battle was the 20th Maine Regiment under the command of Joshua Chamberlain in the Battle of the Little Round Top. When the Maine Regiment held, that turned the battle. When the Civil War ended at Appomattox Courthouse on the 9th day of April in 1865, the southern army, the army of Northern Virginia, surrendered to troops commanded by General Joshua Chamberlain and the Maine Regiments. I would point out that this man later became a Governor of this state.

All the people of the National Guard are asking is the privilege to buy a license plate that will display their pride in this organization. They are not asking for any handout. They are not asking for anything that is going to damage or endanger our budget. All they ask is that they can have a little recognition for all the time and energy that they have dedicated not only to the State of Maine but to our nation. I don't think that is too much to ask. I think we should support this bill.

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

Mr. CURTIS: Mr. President and Members of the Senate: I too rise to support this bill as I have in the past. I read and reread with a great deal of interest the Governor's veto message, and since it is part of the calendar I think it is

appropriate to refer to his thoughts in this situation.

I looked for the reasons that he would veto this bill. In the second paragraph I find that he writes, "My concern is that the bill is discriminatory and that it might set a dangerous precedent for legislatures and governors who will follow." I think that the gentleman who just spoke, Senator Corson, has indicated both why we already permit this sort of license plate for a number of other groups or why we have vanity plates, and that if indeed we are going to provide any discrimination at all perhaps it would be time to provide some discrimination, although I would rather call it recognition to this organization and its members.

The next sentence perhaps provides the second reason the Governor vetoed it: "I fear that they would be flooded with requests from groups and organizations from inside and outside state government for specially designed plates." So wrote the Governor in his veto message.

I too join my colleague, Senator Corson, in thinking of the National Guard as a state agency, and quite different from the Boy Scouts and Girl Scouts. Incidentally, I was pleased this morning that the Senator from Cumberland, Senator Conley, set the record straight, or at least I understood him to, in that he was not referring to the National Guard as a trivial organization when in the debate last week he referred to some other trivial organizations. I hope that none of us think of the National Guard as a trivial organization, but as a state organization. And as I said before when this was debated, if the VFW or the American Legion, both of which groups I happen to belong to, and I don't belong to the National Guard, but if those other private groups were to come in, I would oppose a separate license plate for them or for any other private organization. But here we are talking about a state agency.

I think it is interesting to note the language that the Governor used in that sentence, "I fear that they would be flooded." Well, Members of the Senate, when a flood really happens, I mean a real flood, and not just floods of requests, when the water rises on the Penobscot, when the water rises on the Kennebec, who do we turn to for some assistance? We turn to the National Guard, and they are always there ready to come at the call of the Commander-in-Chief of the National Guard, the Governor of the State of Maine. I think that this legislature ought to use its prerogatives and provide a little recognition for them. I can even see a situation in which those plates on the cars would be a help in identifying members of the Guard as they go to an emergency.

That is all the reasons that I could find in the Governor's message, except for the one item that he talks about of his not being sure whether it would save money in the third paragraph. I would point out, as other people have before me, that there is a \$5 price tag per license plate, extra money for the State of Maine, and in a poll last week approximately 1,000 members of the National Guard indicated their interest in buying this license plate. So there is \$5,000 for the state coffers.

Finally, I read with considerable interest the last paragraph in the Governor's veto message: "All my decisions on legislation that has come to my desk this session have been made based strictly on the merits of the legislation. I plan to continue that policy

and will view any legislative over-ride only as a co-equal branch of government exercising its rights." So Members of the Senate, I hope we indeed exercise our co-equal rights and vote this bill into law.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is shall this bill become a law notwithstanding the objections of the Governor? A roll call is ordered. A vote of "Yes" will be in favor of the bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators R. Berry, Cianchette, Clifford, Corson, Curtis, Cyr, Gahagan, Graham, Greeley, Hichens, Johnston, McNally, Merrill, O'Leary, Pray, Roberts.

NAYS: Senators E. Berry, Carbonneau, Collins, Conley, Cummings, Danton, Graffam, Huber, Katz, Marcotte, Reeves, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senator Jackson.

A roll call was had, 16 Senators having voted in the affirmative, and 15 Senators having voted in the negative, with one Senator being absent, and 16 being less than two-thirds of the membership present, the veto of the Governor was sustained.

#### Committee Reports House

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

Bill, "An Act to Provide Complimentary Fishing and Hunting Licenses for Retired Game Wardens." (H. P. 1460) (L. D. 1727)

RESOLUTION, Proposing an Amendment to the Constitution to Provide an Additional Means for Removal of Judges and Justices of the Several Courts. (H. P. 1005) (L. D. 1273)

Bill, "An Act to Clarify the Administration of the Department of Manpower Affairs." (H. P. 1366) (L. D. 1781)

#### Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Provide for Staggered Licensing of Hearing Aid Dealers and Fitters." (H. P. 280) (L. D. 332)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act to Clarify the Law Regarding Late Payment on Insurance Claims." (H. P. 950) (L. D. 1188)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act Relating to Notice of Consumer Right to Cure." (H. P. 1064) (L. D. 1344)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act Increasing Certain Fees for Nonresident Fishing Licenses." (H. P. 644) (L. D. 817)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution to Allow Municipalities to Provide Limited Property Tax Incentives to Encourage New Business. (H. P. 1365) (L. D. 1666)

Reported that the same be granted Leave to Withdraw.

The Committee on Local and County

Government on, Bill, "An Act Relating to the Qualifications of Town Managers." (H. P. 1148) (L. D. 1442)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on State Government on, Bill, "An Act to Authorize the Appointment of a State Poet Laureate." (H. P. 1147) (L. D. 1441)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read.

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

Mr. HICHENS: Mr. President and Members of the Senate: I cannot let L. D. 1441 pass out of sight without presenting a few comments concerning the bill. I understand from the sponsor that he could not persuade one member of the State Government Committee to sign an Ought to Pass Report and thus submitted to a request that he withdraw the bill.

I sincerely feel that the State of Maine can rightfully designate one of the many gifted poets of the state as poet laureate. I certainly do not place myself as a potential candidate for the position. The poetry that I write for members of the Senate are certainly not poetic masterpieces. I do write poems in a more serious vein but even those do not compare with some written by real poets within our state boundaries.

I do, however, feel that having a poet laureate is at least as important as designating the honeybee as the state insect, a bill passed by the State Government Committee and eventually by the legislature.

I, therefore, move that the bill be substituted for the report, that it may be amended and made perhaps more palatable for acceptance. And I would subject you to another of my verses a little more serious than these you have been used to hearing.

We are faced today my colleagues with a problem rather great,

To determine if the State of Maine needs a Poet Laureate.

A person who denotes events in blank verse or in rhyme

That may take place within our boundaries from time to time.

One who can see the greatness in Maine's sons-and daughters-too,

Or put into words historic times, or the beauty in the view

That one can see where'er he travels round about the State;

In the solitary woodlands — wherein one may contemplate,

Or by the rugged shore line where ocean waves do pound,

And by a crystal lake where hills and mountains may surround.

Endowed with greatness may our State forever proudly furl

Our glorious flag, that every man and woman, boy and girl

May say wherever they travel over this world's vast domain,

In proud and earnest voices, "I am from the State of Maine."

And long may words be written in prose, essays and verse,

That Maine may be duly noted throughout the Universe



As one of the great gifts of love the Lord in grace hath given.

For here in our dear State of Maine we share a bit of Heaven.

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

Mr. CURTIS: Mr. President and Members of the Senate: This bill was given a leave to withdraw report. I hope that we do not substitute the bill for the report.

At the public hearing we heard only from the sponsor, and we had received a number of pieces of mail from poets in the state who were opposed to the bill. Their reasoning included several items. One was that occasional poetry such as the poet laureate would write was very seldom good, almost notoriously bad.

The second thing was that there was no stipend provided for the poet laureate, and they figured that their product was as good and as worthy of recognition as anybody else who labors, and if the state wanted to have a poet laureate it at least should pay him. I think they were concerned finally with the tenure of the poet laureate. This is about the best report I can provide for the committee.

Under the circumstances, we did not spend a whole lot of time trying to revise the bill. We did have 193 pieces of legislation in this session of the legislature, and sometimes we decided that it would be better to let some of these items just sit for a couple of years, and if the sponsor and the other people who were most concerned really wanted to have the legislation enacted, they would come back with a better product.

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

Mr. SPEERS: Mr. President, it is with some trepidation that I rise to oppose the motion of the good Senator from York, Senator Hichens, to substitute the bill for the report.

We have a great number of pieces of legislation before us, and the way in which the legislature works, and works quite efficiently, is to rely rather heavily upon our committee system.

The good Senator from York, Senator Hichens, mentioned that the sponsor of this bill was not able to find even one member of the Committee on State Government to sign an Ought to Pass Report, even with such amendments as may have been proposed. It does seem to me that under circumstances such as this, with the thirteen member committee being unanimous in opposing the passage of this bill at this time, that the legislature ought to back up the reports of these committees, especially where they are so unanimously opposed to a particular piece of legislation. I would ask for a division on the motion.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I would like to second the remarks of the Senator from Penobscot, Senator Curtis. We heard this bill, and there was very little support for it. There were numerous letters opposed to it from poets whom I know personally and whom I respect. I feel that poetry is a matter of spirit; it cannot be institutionalized, it cannot be organized. Putting a poet in a job as poet laureate is like putting a golden bird in a tin cage.

The PRESIDENT: Is the Senate ready

for the question The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, just once again we have the situation where the Senate is confronted with a leave to withdraw report. If all thirteen members of that committee felt that this bill did not have any merit to it, I can't understand why it was not reported out under Rule 17-A. By bringing it before both bodies of the legislature, it certainly leaves the report very much alive, and any one on the floor of this Senate could move to substitute the bill for the report, such as the good Senator from York, Senator Hichens, has done. I think if these bills have no merit than they should be reported out in the future under Rule 17-A so that we can get on with our business.

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

Mr. CURTIS: Mr. President, I couldn't agree more at this time with the Senator from Cumberland, Senator Conley. Unfortunately, we have quite a few freshmen members on the State Government Committee, and some of them consider it a nice thing to do to offer the sponsor an opportunity to accept a leave to withdraw report, which is in some ways apparently a better report than a unanimous ought not to pass report.

In the interest of trying to get legislation out of the committee like I said we do have a bit of a heavy workload — and in the interest of trying to get that legislation out of committee with a unanimous report one way or another, sometimes we come out with leave to withdraw reports when really everybody on the committee thinks the bill should die.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that with reference to L. D. 1441, the bill be substituted for the leave to withdraw report of the committee. A division has been requested. Will all those Senators in favor of substituting the bill for the leave to withdraw report please rise in their places until counted.

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

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

#### Ought to Pass

The Committee on Transportation on, Bill, "An Act to Clarify the Power of the Commissioner of Transportation and the Chief of the Maine State Police to Regulate Speed Limits." (H. P. 905) (L. D. 1104)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read.

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

Mr. SPEERS: Mr. President, quickly in glancing at the import of this bill, I would like to ask a question through the Chair of any member of the Committee on Transportation as to the law that this is changing. As I understand, reading down through the bill, it grants to the Commissioner of Transportation, with the consent and approval of the Chief of the Maine State Police, the power and authority to set whatever speed limit there may be within the entire State of Maine. This seems to me to be quite a bit of

authority to grant to one individual, and I am wondering what law is being changed?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to any Senator who may answer if he so desires.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, I think we passed similar legislation either at the regular session or the special session as an emergency, and this enables the Commissioner of the Department of Transportation and Chief of the Maine State Police to continue that. The way I felt about it, if there is any dissatisfaction between now and the next session of the legislature, you will be able to repeal the law at that session.

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

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

The Committee on Business Legislation on, Bill, "An Act Relating to Cancellation of Insurance Policies under the Maine Consumer Credit Code." (H. P. 1177) (L. D. 1480)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Relating to Sales Tax on Aircraft and Sales Tax Exemption on Trade-in Credit for Aircraft." (H. P. 1188) (L. D. 1484)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act to Exempt Community Based Mental Retardation Services from the Sales Tax." (H. P. 1255) (L. D. 1551)

Reported that the same Ought to Pass.

The Committee on Education on, Bill, "An Act Relating to the Borrowing Capacity of East Range II Community School District." (H. P. 1560) (L. D. 1870)

Reported that the same Ought to Pass.

Comes 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 Business Legislation on, Bill, "An Act to Repeal Exclusions Granted under the Consumer Credit Code to Certain Loans Made by Supervised Financial Institutions." (H. P. 606) (L. D. 749)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-293).

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

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Permit the Continuation of Mediation Services." (H. P. 739) (L. D. 911)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-294).

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

Which report was Read and Accepted in

concurrence and the Bill Read Once. Committee Amendment "A" was Read.

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

Mr. SPEERS: Mr. President, I understand that there is an additional amendment which is being prepared and to be offered tomorrow on second reading which would cover much of the same area that is covered by the committee amendment. I therefore move the indefinite postponement of Committee Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that Committee Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, the Bill was Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on, Bill, "An Act Relating to the Exclusion or Modification of Warranties on Used Consumer Goods." (H. P. 810) (L. D. 999)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-292).

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

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

The Committee on Legal Affairs on, Bill, "An Act to Clarify Certain Provisions of the Maine Right to Know Law." (H. P. 848) (L. D. 1035)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-285).

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

Which report was Read.

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

Mr. SPEERS: Mr. President, I would like to call the attention of the Senate to this particular item. It is one of those bills that was mentioned in debate a couple of days ago by the Chairman of the Committee on Legal Affairs as being one of those bills coming along that is dealing with the overall subject matter of the so-called sunshine laws. It was the suggestion at that time that amendments could be offered to the particular bills, this one and another one that will be coming along from the other body, for anyone who wishes to offer amendment to the overall sunshine laws and to address themselves to this subject in general.

I would hope that the Senators who may have amendments that they would like to prepare and to offer would consider preparing those amendments to this bill or to the other bill coming along from the House, and have these ready to be offered tomorrow or, if need be, we could table this bill for one or two days to have those amendments prepared.

Again, it is a question of upholding the decision of the various committees as to which bills they are desirous of passing out to the bodies that could be amended, of course, on the floor. I would hope that the committee decision that this particular bill would be a good instrument to be passed

out to deal with the sunshine laws could be upheld, and that if there are amendments needed that the amendments could be offered to either this or the other bill which is coming along from the other body.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass as Amended Report of the Committee?

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. Reeves of Kennebec then moved that the Bill be tabled and Specially Assigned for May 16, 1975, pending Acceptance of the Committee Report.

On motion by Mr. Speers of Kennebec, a division was had. Seven having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

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

The Committee on Business Legislation on, Bill, "An Act Regarding Late Payment of Insurance Claims." (H. P. 930) (L. D. 1156)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-295).

The Committee on Marine Resources on, Bill, "An Act to Permit the Use of Weirs and Eel Traps in Certain Washington County Waters." (H. P. 1145) (L. D. 1439)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-297).

The Committee on Labor on, Bill, "An Act Relating to Eligibility of Benefits under the Employment Security Law." (H. P. 1215) (L. D. 1529)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-291).

The Committee on State Government on, Bill, "An Act Creating the Bureau of Central Computer Services within the Department of Finance and Administration." (H. P. 1440) (L. D. 1789)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-296).

Comes 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 Taxation on, Bill, "An Act to Facilitate the Collection of Real Estate Taxes on House-Trailers." (H. P. 672) (L. D. 847)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-290).

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-333).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Adoption of Committee Amendment "A".

#### Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act Relating to Reserve

Valuation Standards for Life Insurance and Annuity Contracts and Nonforfeiture Benefits of Life Insurance Policies." (H. P. 693) (L. D. 880)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1576) (L. D. 1879).

Comes 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, Resolve, to Reimburse Briana Hinkley of Wilton for Injuries Received in the State Forestry Building at Weld. (H. P. 1481) (L. D. 1772)

Reported that the same Ought Not to Pass.

Signed:

Senator:

CIANCHETTE of Somerset

Representatives:

GOULD of Old Town

PERKINS of Blue Hill

SHUTE of Stockton Springs

JOYCE of Portland

BURNS of Anson

CAREY of Waterville

COTE of Lewiston

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

Signed:

Senator:

CORSON of Somerset

Representatives:

FAUCHER of Solon

HUNTER of Benton

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

Which reports were Read.

On motion by Mr. Corson of Somerset, the Minority Ought to Pass Report of the Committee was Accepted in concurrence, the Resolve Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Human Resources on, Bill, "An Act Designating Family Day Care as a Priority Social Service." (H. P. 1207) (L. D. 1500)

Reported that the same Ought Not to Pass.

Signed:

Senator:

KATZ of Kennebec

Representatives:

AULT of Wayne

CONNERS of Franklin

HUNTER of Benton

HUTCHINGS of Lincolnville

RAYMOND of Lewiston

TRUMAN of Biddeford

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

Signed:

Senator:

GRAHAM of Cumberland

Representatives:

TALBOT of Portland

SAUNDERS of Bethel

DAVIES of Orono

BACHRACH of Brunswick

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

Which reports were Read.

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

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

Mr. KATZ: Mr. President, the majority of the committee felt that this bill should not pass. It was a hearing where we had an awful lot of information from proponents who supported the inclusion of this as a priority social service.

I asked legislative staff to talk to the people who implement this kind of legislation. The commissioner, in my report it says, does not believe that the legislature can or should designate family day care as a priority social service. He mentioned that under the federal regulation for title 20 the governor will be responsible for approving a plan regarding social services priorities, but he felt that it would be superfluous legislation. The Bureau of Human Services, which actually is the state department to implement such a program, also is in opposition to the legislation. This was largely basic to the fact that the majority of the committee reported the bill out Ought Not to Pass. So I oppose the motion to accept the Minority Report, and I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President, this bill would designate family day care as a priority social service. Family day care is especially valuable in these areas where day care centers are non-existent. It would enable parents who have to work, and in these times both parents often have to work, it would enable them to place their children in other families. This would give the children family care and yet at the same time it would provide income for these mothers, some of whom are on welfare, so it would serve this dual purpose. The other parts of the bill merely set a ceiling on what percentage of state money can go into these programs.

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

Mr. CONLEY: Mr. President and Members of the Senate: I rise to speak on this particular item this morning primarily because of the way an incident relating to the family day care program came about in Portland.

As you know, Portland was once delegated as eligible for a model city program. Through that program we were able to support a family day care program. However, once that program ran out, it left this on-going situation which became what we consider to be a very high asset to a lot of families in our community, and found that they would have to cease unless finances were appropriated on a state level. The City of Portland itself did allocate a certain amount of money to assist these people, but it certainly could not go to the extent of the amount of revenue that they were requesting, and therefore relied solely on the Commissioner of Health and Welfare to come up with monies within his budget to assist them.

I feel that the family day care program, which is quite different from the normal day care program, is a very essential part of daily life of particularly families whether with two or three children or whether or not they have four or five children, because, as the good Senator from Cumberland, Senator Graham, has

pointed out, what happens is that someone turns their home into a family day care center under the auspices of a department within the city who made sure the program was being run correctly. Also, I am sure the Department of Health and Welfare took part in some observation to make sure the thing was running well.

I believe that in order to assist particularly a lot of the larger communities within the state it would be to the benefit of the state to adopt this program. As to whether or not the legislation before us, as the good Senator from Kennebec, Senator Katz, has stated, has any muscle behind it is another thing, but I think once we have established that, then I feel that we will test it from that point. I think that too often the bureaucrats around here tell us what to do, and I think this might be a good time to just step aside from them and to adopt the Minority Ought to Pass Report.

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

Mr. KATZ: Mr. President, L. D. 1500 lays out a series of these social services and, as I understand it, there is a finite amount of state dollars to be divided up into a whole bunch of services, and my conclusion is that the more categories you get the less of the pie there is to each. Included in this program is coordinated elderly programs, meals for older people, mental health services. Now, it seems to me that the more programs you get in to split up the pie the less money there will be for these services, so there is a question of priority involved here, and this certainly influenced my vote.

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

Mr. CONLEY: Mr. President, in trying to convey to the Senate as to how the priority list of social services was arrived at, I would only state that I was a member of the Appropriations Committee when we had one of our legislative interns send out a questionnaire to the professional social workers throughout the state. From the response that we got from these professional social workers, the legislative aide was then allowed to compute through a one to ten category as to how they felt the needs were relative to some of these social service programs. Day care was one of them. Unfortunately, I don't believe that family day care had ever come into existence or, if it was, it certainly was in its infancy. It would be my hope again that the Senate would vote to join the other branch in accepting the Minority Ought to Pass Report.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Graham, that the Senate accept the Ought to Pass Report of the Committee. Will all those Senators in favor of accepting the Minority Ought to Pass Report of the Committee please rise in their places until counted.

A division was had. Nine having voted in the affirmative, and 12 having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Open Containers of Alcoholic Beverages in Motor Vehicles." (H. P. 720) (L. D. 896)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox  
MERRILL of Cumberland  
CLIFFORD of Androscoggin

Representatives:

HUGHES of Auburn  
BENNETT of Caribou  
MISKAVAGE of Augusta  
HEWES of Cape Elizabeth  
SPENCER of Standish  
PERKINS of So. Portland  
HENDERSON of Bangor  
GAUTHIER of Sanford  
HOBBINS of Saco

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

Signed:

Representative:

McMAHON of Kennebec

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

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

#### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to the Registration of Accountants." (H. P. 989) (L. D. 1254)

Reported that the same Ought to Pass.

Signed:

Senator:

REEVES of Kennebec

Representatives:

CLARK of Freeport  
RIDEOUT of Mapleton  
PEAKES of Dexter  
BOWIE of Gardiner  
HIGGINS of Scarborough  
TIERNEY of Durham

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

Signed:

Senators:

THOMAS of Kennebec

JOHNSTON of Aroostook

Representatives:

BOUDREAU of Portland  
PIERCE of Waterville  
DeVANE of Ellsworth  
BYERS of Newcastle

Comes from the House, the Minority report Read and Accepted.

Which reports were Read and, on motion by Mr. Thomas of Kennebec, the Minority Ought Not to Pass Report of the Committee Accepted in concurrence.

#### Senate

##### Leave to Withdraw

Mr. Graham for the Committee on State Government on, Bill, "An Act Relating to Employment Registers in the Department of Personnel." (S. P. 446) (L. D. 1507)

Reported that the same be granted Leave to Withdraw.

Mr. Graham for the Committee on State Government on, Bill, "An Act to Provide for Election of Commissioners to the Public Utilities Commission." (S. P. 470) (L. D. 1604)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

##### Ought to Pass — As Amended

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act to Redefine the Term 'Payable in



Instalments' under the Maine Consumer Credit Code." (S. P. 61) (L. D. 178)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S. 148).

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

#### Second Readers

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

##### House

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

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

Bill, "An Act Authorizing and Directing the Department of Health and Welfare to Propose Certificate of Need Legislation." (H. P. 1573) (L. D. 1878)

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

##### House — As Amended

Bill, "An Act to Establish the Uniform Disclaimer of Transfers under Nontestamentary Instruments Act." (H. P. 875) (L. D. 1049)

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

Bill, "An Act to Increase the Fine for Molesting Traps." (H. P. 1143) (L. D. 1437)

Bill, "An Act Prohibiting the Shooting of Hunting or Sporting Dogs." (H. P. 1157) (L. D. 1451)

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

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

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

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

Sent down for concurrence.

##### Senate

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

Which was Read a Second Time.

On motion by Mr. Clifford of Androscoggin, tabled and Specially Assigned for May 20, 1975, pending Passage to be Engrossed.

Bill, "An Act Relating to Issuing of Fishing and Hunting Licenses." (S. P. 458) (L. D. 1512)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-149, was Read.

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

Mr. PRAY: Mr. President and Members of the Senate: as a brief explanation of this, when I first came down here and was assigned to my committee assignments, one of the things I did was review the statutes relating to these two committees.

This bill is my bill and the amendment was an oversight of mine when I drafted the bill.

The amendment will call for repealing the section which gives employees of the VA Center complimentary licenses. Now, I would like to explain that before everybody gets too upset about it. Employees of the VA Center residing in Maine and employed at Togus will be classified as residents of this state, thus, they can receive a fishing license at a resident's fee. I think with the recent rulings on resident requirements and everything that it would be quite easy for any individual that is working in the State of Maine, but not a legal resident, if he wants to enjoy the benefits that we offer, then he can very easily become a resident of this state, pay Maine tax and what not, and receive his license at a resident's fee.

Now, there is one other thing in going down there, that this would take away the complimentary fishing and hunting licenses to members of the Canadian Immigration Customs and also for Congressional Medal of Honor winners. This might bother a few people, but I think the Governor has an ongoing fund where, if he wants to issue complimentary licenses, that he can take it out of his fund.

This amendment will include the employees of the VA Center, but the bill itself will also take away licenses for members of the armed forces, spouses and children. It will take away the licenses, these are resident licenses, resident licenses for employees residing on military bases stationed in Maine, and it will repeal the complimentary licenses of this state that are issued to national, international and state leaders. Included under that last category are photographers, magazine writers, celebrities and whatnot. Also it will take away licenses from Canadian soldiers stationed in Maine. We will be acting in the committee on an alien license which will affect these individuals, the Canadians, but I think it is time that we did away with these complimentary licenses that we have going through the state. The military personnel in this state — when I went in I was making \$78 a month, and I have here a pay scale which is two years old, and today going in they make \$369. That is just pay. That is not counting their subsistence allowance and whatnot. I hope that the members of the Senate would go along with the adoption of this amendment.

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

Mr. KATZ: Mr. President, I have been unable to find the amendment, but mention was made of Togus, which is in my district. I am not putting a pitch in for all Togus employees but, as I recall it just vaguely, people who work for Togus and live on the federal reservation have a very special problem in getting themselves declared residents. I hope that the good Senator Pray is absolutely confident that he has taken this into consideration.

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

Mr. BERRY: Mr. President, I am not exactly the outstanding authority on the Fish and Game situation in Maine in the Senate, but I am a little bit concerned at what appears to be discrimination against members of the Canadian Immigration Custom Forces. It could be that some of us have tried to get something through and haven't been successful and, therefore, we are going to vent our spleen on them. But it

seems to me that there may be very good reasons for these people who work on the border to have certain opportunities to enjoy the Maine scenery, you might say. I think Senator Pray also mentioned something about Congressional Medal of Honor holders.

It seems to me we have got some fairly significant small things here that we should be a little bit careful about before we substitute this amendment for the bill.

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

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

##### Senate — As Amended

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)

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

Bill, "An Act Relating to Venue in the Superior Court." (S. P. 171) (L. D. 577)

Bill, "An Act to Implement the Recommendations of the Trial Court Revision Commission." (S. P. 350) (L. D. 1263)

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 Definition of Monthly Billing Cycle under the Maine Consumer Credit Code. (S. P. 162) (L. D. 536)

An Act Concerning the Fee for a First-time Real Estate Broker's License. (S. P. 404) (L. D. 1289)

An Act Redesignating the Department of Health and Welfare as the Department of Human Services and the Bureau of Human Services as the Bureau of Resource Development. (S. P. 428) (L. D. 1394)

An Act to Clarify Provisions of the Election Laws. (H. P. 27) (L. D. 35)

An Act Providing Compensation for Public Members of the Maine Municipal Bond Bank. (H. P. 872) (L. D. 1078)

An Act Relating to Access to Written Records Concerning Elementary and Secondary School Pupils. (H. P. 975) (L. D. 1269)

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

An Act Relating to Clarification of Interlocking Loans under the Maine Consumer Credit Code. (H. P. 1180) (L. D. 1481)

An Act to Provide Retirement Credit for Superior Court Justices for Time of Service as a District Court Judge. (H. P. 1200) (L. D. 1495)

An Act Pertaining to the Qualifications of Elevator Mechanics. (H. P. 1448) (L. D. 1703)

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

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

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergencies

An Act to Establish Bailiffs for the Maine District Court. (S. P. 409) (L. D. 1291)

An Act to Clarify Provisions Concerning Travel Expenses of Members of Boards and Commissions. (S. P. 385) (L. D. 1240)

An Act to Amend the Charter of the Aroostook-Prestile Treatment District. (S. P. 467) (L. D. 1562)

An Act to Include the Right to Use Submerged Lands as Part of Environmental Licensing. (H. P. 567) (L. D. 703)

An Act Concerning the Maine Consumer Credit Code and Insurance Statutes. (H. P. 789) (L. D. 962)

An Act to Establish the Department of Electric Works Within the Town of Madison. (H. P. 1240) (L. D. 1737)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Orders of the Day

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

House Reports — from the Committee on Election Laws — Bill, "An Act Concerning Candidates for Public Office who are Running as Independents." (H. P. 953) (L. D. 1192) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-230); Minority Report — Ought Not to Pass.

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

Pending — Motion of Senator Clifford of Androscoggin to Accept the Minority Ought Not to Pass Report.

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

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

Mr. CORSON: Mr. President and Members of the Senate: I would urge you to vote against this motion. This bill does nothing more — it is out of a package of three — than to bring into line the election laws regarding candidates. It simply states, as do other bills that we have already voted on, it requires Independents to meet the same requirements to run as Independents, or should I say similar requirements, as are required by persons who run in the party primaries.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I don't have any illusions about the outcome of this. It just seems to me that the legislature in several of these bills is acting in a rather punitive way and attempting to limit the rights of people to run as Independents. I don't think the legislature should limit, unless it is necessary, the right of people to run for political office. I think the judgment of the

best candidate should be made by the people.

This bill requires an Independent to disassociate himself from a political party three months before he files. I don't think there is any need or necessity for that. I think that the law as it applies to candidates running in a primary makes a lot more sense because the candidate is going to run in a primary and put himself out as a Republican or a Democrat, and if he wins the primary he can run under the party ticket. It seems to me there is no such need to do the same with an Independent, that if an Independent candidate wants to run for office as an Independent, that his party affiliation really has very little to do with whether or not he should be able to run as an Independent.

Also, you are taking away from those Independent candidates the right to vote in a primary for register of deeds, for clerk of courts, for the U.S. Senate, or for representative to the legislature, because they would not be able to vote in a primary election if their intention was to run as an independent in a general election.

I don't think this bill and I don't think the previous bill really had any relevance to the real situation as to whether Independents should run. I think if someone chooses to run as an Independent, it seems to me the people ought to be able to decide which the best candidate is. I think that the political parties in Maine or anywhere else should be able to stand on their own two feet without the kind of cropping up I think that these bills are attempting to do. Thank you, Mr. President.

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

Mr. KATZ: Mr. President, or to put things in a little simpler manner, this bill would require any candidate to decide on a specific uniform date whether he wishes to run for an office as a Republican, whether he wishes to run for an office as a Democrat, or whether he wishes to run for an office as an Independent, and as clearly and simply as you can state it, that is exactly what this bill does.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Clifford, to accept the Minority Ought Not to Pass Report of the Committee. The Chair will order a division. Will all those Senators in favor of accepting the Minority Ought Not to Pass Report please rise in their places until counted.

A division was had. Seven having voted in the affirmative, and 21 having voted in the negative, the motion did not prevail.

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

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

HOUSE REPORTS — from the Committee on Education — Bill, "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools." (S. P. 476) (L. D. 1609) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 12, 1975 by Senator Conley of Cumberland.

Pending — Acceptance of Either Report.

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

Mr. REEVES: Mr. President and Members of the Senate: The reason I urge passage of this bill is because of our unemployment crisis. The rate of unemployment is high, some say as high as 16 percent. The experts say it will stay high for four or five years, and I believe this bill will help. For those of you who have not had a chance to read this bill, it establishes a job development, placement and follow-up services in our high schools.

The main complaints I understand against this bill — and I really regard it as a task to oppose the Chairman of the Education Committee, the father of 1452, on this bill, but as I understand it, the opposition to this bill is that we are mandating schools to provide this service. I submit that this is nothing new, that we mandate the school ages, the physical education, certain courses in school, and of course, 1994.

The second point raised against this bill, probably the most important point, is that it will cost money. You will note that it has no appropriation attached. The sponsors, myself included, felt that on the contrary no appropriation was needed, that the schools have the staffs and the counselors already to do this job. But right now these people are working only for the fortunate college bound student. I say that is O.K., but I believe that his or her parents will help out a lot on that.

Last year, on the other end, 60 percent of our students did not go to college or on to further education. They went looking for a job, and really without knowing how to do it. They had no interviewing skills, they had no training in filling out applications, they had no idea of where to begin to look. They had no tips on where to get free employment assistance, how to sell their skills, how to find what is available, how to get the remedial training, how to get skill training. And are there jobs? Would this be a useless exercise with the unemployment rate so high?

Well, it so happens that the State Job Bank almost constantly maintains some 1,000 to 2,000 entry level jobs that high school graduates and high school dropouts could fill. And high school graduates and dropouts are the largest unemployed group in the country. I might add here that there were some 4,000 students who left school last year, and of course without this job help.

Yesterday I spoke with the Commissioner of Manpower Affairs. He favors this program, and he is already providing technical assistance and staff from the Employment Service in the two experiments where this program is now under way in Topsham and Biddeford. And there is every indication that the Employment Service would do more by helping to screen applicants, recommend counseling, more training, job referrals, do work sampling, they would do job development, and especially at the entry level. So we have a chance now of putting the Employment Service in the schools for the first time. They are willing to do it.

Now, there were fifteen people who testified in favor of this bill at the hearing, and I might add none opposed. Here are some examples: representatives from the Saco Tannery, who have already employed five people from this program in Biddeford; the Personnel Director of Statler Tissue, who pleaded for help, they know the high school graduate needs this

kind of assistance; the Director of the Regional Vocational Technical Centers Association. He said the public must believe that the schools do care about their product. The Superintendents of Schools in Biddeford and Lewiston testified, the Dean of the College of Education at the University of Maine in Orono, and parents of kids who have been placed. And they said that this was the first time the schools had touched their home. A girl who had been placed four times, and now is secretary to a car salesman, testified, and then she was told by a member of the Education Committee "You are too bright, you should go to college." Also testifying was the Director of Adult Education in Saco, the Chairman of the State Manpower Council, the Assistant Superintendent of Schools in South Portland. He said this program was badly needed and that they were going to go ahead with it anyway. A representative from the Regional Vocational Center here in Augusta, and the Director of Counseling in Farmington.

We used to do some job counseling back before 1957. That was when the Russians sent up Sputnik, and after that everyone thought that all our students should go to college to keep up, and the Congress passed the National Defense Education Act, which funded local school systems to hire counselors to send kids to college, particularly science buffs. From the time on, we have never thought of the students who have to work after school.

I believe that if we are going to mandate our children to go to these schools, why not mandate the schools to help them get ready for the world. And I say no more money for the schools for this, I am not asking for any, and I don't think it is needed. This is a proposal for the schools to do something for the people.

I would like to say that this has bipartisan support among the sponsorships, and I urge the passage of the Minority Ought to Pass Report. Thank you, Mr. President.

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

Mr. KATZ: Mr. President, I hope the Senate is duly impressed by the fact the Education Committee actually gets bills dealing with education, and this is an important one.

There are three very important bills before us. This one sponsored by Senator Reeves, another one by Representative Silverman having to do with alcohol and drug education, and a third one, the sponsorship of which slips my mind for the moment, but a very important bill pertaining to dropouts. All three of them are terribly important, and all three of them direct themselves to the fact that the schools should be doing these things that the legislation attempts to mandate but they are not presently doing it. All three bills did an excellent job in illuminating a very real problem. The reason that they did not, any or them, get good committee reports was the nature of the solution was an overpromise beyond the reasonable capacity to accomplish them within the framework of the bill.

I would strongly urge the legislature not to turn its back on this legislation or the other two, but whatever my experience is worth indicates that the Maine Senate and the Maine Legislature cannot simply mandate programs, sit back and expect that they will happen.

We have an excellent special education bill on the books which is adequately

funded, and it was about two years getting born. It was born with the aid and assistance of everybody who should be involved in this kind of planning: the University of Maine which prepared the teachers, the Maine Teachers Association, the Maine Superintendents Association, the Department of Education. In advance of legislative action we got a bunch of partners who would be responsible for taking a concept and making it come to life. No such partnership has been involved this time.

I say that just passing legislation and going home and feeling a sense of enormous satisfaction that we have accomplished much of anything just is not the name of the game. I would like to see — as a matter, I think it is the intention of the committee to take these three major pieces of legislation and do some work on them, involving the people who are going to have to make it come to life and breathe, and accomplish something other than just enacting a bill with your name on it. I don't think we are in that posture right now, and that is why with great regret we felt that proper groundwork had not been done. But I will promise you this, that these problems are not going to go away, and we had better get hopping on solving them. And I suspect we will be in a position to give you some alternatives by the next legislative session.

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

Mr. REEVES: Mr. President, this is a problem that is obviously not going away. It is here now, and we have got to take this action now. I ask for a roll call, Mr. President.

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

Mr. TROTZKY: Mr. President, I would like to request that the committee report be read.

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Committee on Education, to which was referred the bill entitled "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools", Senate Paper 476, Legislative Document 1609, have had the same under consideration and ask leave to report that the same ought not to pass. Signed, Senator Katz of Kennebec, Representative Lynch of Livermore Falls, Representative Carroll of Limerick, Representative Ingegneri of Bangor, Representative Fenlason of Danforth, Representative Bagley of Winthrop, and Representatives Lewis of Auburn; Senator Berry of Androscoggin and Senator Thomas of Kennebec.

The minority report on the same bill was signed by Representatives Connolly of Portland, Mitchell of Vassalboro, Powell of Wallgrass Plantation, and Tyndale of Kennebunkport.

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

Mr. KATZ: Mr. President, very briefly, here is a bill that will in a very real respect

revolutionize our orientation in the schools, and very properly. It contains no fiscal note. Well, let me tell you that I have never seen us in this legislature able to buy a significant change in services without a significant amount of money. It should come as no surprise to anyone that the department has identified that this bill has significant costs.

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

Mr. THOMAS: Mr. President, I was not at the Committee on Education the day this bill was heard. I was probably at another committee where we have many major bills. I did, however, sign the ought not to pass report, and I have changed my mind since I did that. I have since studied the bill, and I have had many letters from guidance people in my capacity as president of a college, and I support the position of Senator Reeves.

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

Mr. O'LEARY: Mr. President, it wasn't too long ago that I had a class down here from Rumford, and now we are talking about the costs of education. It was a class of sixty students, and I would remind you there were two teachers, two teacher aides, and two assistants. That is a total of six. When I was going to school before 1941, there were approximately sixty students for each one of these teachers. There were no teacher aides, no assistants. And I would submit to you that in order to give work to some of these teachers and assistants that we have at this time that we had best pass this bill.

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

Mr. BERRY: Mr. President, I was present at the hearing, and I did patiently listen to all the testimony, and I agreed with what was trying to be done. But I think Senator Katz, the Senator from Kennebec, has pointed out one very important thing. With the mandating of this bill upon the school communities, I would just like to give an example of what will happen if this is implemented.

First of all, you have to establish an office for this type of operation. Next, you can look at a coordinator for the program. If we are fortunate, we will not end up with a director; the coordinator will handle that function. It will require one to two field persons, a secretary, a file clerk. These are all added expenditures upon a school system of which it is my impression that the Senate is about to enact 1452, which places a 6 percent increase upon your school system.

Now, I think you have to take into account many variables with this type of legislation, such as the fact that out of that 6 percent we have to contend with large salaries throughout the state, and I think if each member of the Senate would look upon this as an added increase upon their own community which we are not going to be able to stand at this time, if they would give the Education Committee the opportunity to take this and other matters into consideration, I think at a later date we could come out with a workable solution.

The PRESIDENT: Is the Senate ready for the question? A roll call has been ordered. The pending question before the Senate is the motion by the Senator from Kennebec, Senator Reeves, that the Senate



accept the Minority Ought to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

**YEAS:** Senators Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Gahagan, Graffam, Graham, Johnston, Marcotte, Merrill, O'Leary, Reeves, Speers, Thomas, Wyman.

**NAYS:** Senators E. Berry, R. Berry, Carbonneau, Collins, Corson, Curtis, Greeley, Hichens, Huber, Katz, McNally, Pray, Roberts, Trozky.

**ABSENT:** Senator Jackson.

A roll call was had. 17 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with one Senator being absent, the motion prevailed.

Thereupon, the bill was Read Once and Tomorrow Assigned for Second Reading.

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

Bill, "An Act Concerning the Landlord-Tenant Relationship in Mobile Home Parks." (S. P. 432) (L. D. 1418)

Tabled — May 12, 1975 by Senator Corson of Somerset.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-131), Adopted.)

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

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

Bill, "An Act to Equalize the Retail Price of Alcoholic Beverages Throughout the State." (H. P. 403) (L. D. 492)

Tabled — May 12, 1975 by Senator Danton of York.

Pending — Motion of Senator Conley of Cumberland to Recede and Concur.

(In the House — Passed to be Engrossed.)

(In the Senate — Majority Ought Not to Pass Report was Read and Accepted, in non-concurrence.)

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

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

Mr. BERRY: Mr. President and Members of the Senate: This item has been quite thoroughly and exhaustively debated. It represented, when it was initially passed by the legislature several years ago, a forward step in the merchandising of alcoholic beverages and a good attempt by the state to compete with New Hampshire, which through the years has made quite a business of selling liquor to Maine residents. As the information indicated to you has shown, there would be a significant loss of revenue here to the state.

I think that this bill, keeping in mind which will follow here in the legislative process which permit the legislature, if it wishes, to establish other stores in the state where comparable prices with Kittery could be instituted, this legislation should be kept in mind. I think that the experiment, which is what it was, has passed the experimental stage and now has proved of real service to the people of the State of Maine. We would be driving

them back across the border, whereas they would be spending money in Kittery.

I think one of the only significant objections I find with the status quo is that the location is poorly signed, and I would hope that perhaps this could be rectified and we could increase the revenue so sorely needed by the state. So I would encourage you to vote against the motion to recede and concur.

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

Mr. CURTIS: Mr. President and Members of the Senate; I think that we ought to realize there is another objection, at least from some of my constituents, and I think other people in other parts of the state, that it is basically unfair for an item that is sold as a state monopoly to have two prices in the state for citizens in one part of the state as compared to citizens in the other part of the state.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, through the Chair may I inquire — I have heard significant talk about amending this bill so that licensees would not have this price preferential treatment. Has such an amendment been developed and is it in the process of being offered?

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

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President, in response to the question of Senator Katz, there is another bill which addresses itself to the elimination of licensee discounts at the Kittery store.

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

Mr. KATZ: Mr. President, if it were possible — I find myself in the awkward position of voting one way if this is amended and voting another way if it isn't amended, and perhaps this is the vehicle that we might possibly use for amending, in which case it seems to me that if the Senate did insist nad request a committee of conference that this might be a possibility to salve the conscience of some of us.

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

Mr. BERRY: Mr. President, I think that the issue might be confused. As has been indicated, the prospect of providing for wholesalers to purchase at a discount in other stores will be before the legislature, and Senator Curtis's concern about people in other parts of the state being able to buy closer to home will also be handled by future legislation. I would suggest we vote on the motion of the good Senator from Cumberland, Senator Conley, and that you vote against the motion.

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

Mr. WYMAN: Mr. President and Members of the Senate: I am very sure we have the vehicle to accomplish this purpose and to eliminate the large advantage that the Kittery store has, so I can see no purpose in this legislation.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Cumberland, Senator Conley, that the Senate recede and concur with the House. Will all those Senators in favor of receding and concurring with the House please rise in their places until counted.

A division was had. Four having voted in the affirmative, and 27 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

(See action later in today's session.)

The President laid before the Senate the fifth tabled and a Specially Assigned 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)

Tabled — May 13, 1975 by Senator Corson of Somerset.

Pending — Consideration.

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-218))

(In the Senate — Indefinitely Postponed)

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

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

#### Reconsidered Matter

Mr. Berry of Cumberland moved that the Senate reconsider its prior action whereby it voted to Adhere on Bill, "An Act to Equalize the Retail Price of Alcoholic Beverages Throughout the State." (H. P. 403) (L. D. 492)

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

The President laid before the Senate the sixth 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 13, 1975 by Senator Speers of Kennebec.

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

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

The President laid before the Senate the seventh 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 13, 1975 by Senator Wyman of Washington.

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone Bill and Accompanying Papers.

(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: This morning I talked with Dr. Adams and I showed him the interdepartment memorandum which I obtained yesterday. He was very much surprised, so he went over to this department to discuss it with the commissioner. Subsequently, I received a letter from the commissioner stating that



they have no objection. I still have some reservations in regard to this, however, they are not strong enough for me to continue opposing this bill, so I now withdraw my motion.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, withdraws his motion to indefinitely postpone.

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

#### Reconsidered Matter

The following bill was held on May 13, 1975, at the request of Senator Conley of Cumberland, pending Consideration:

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

(In the Senate — Passed to be Engrossed)

(In 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)

(In the Senate — Recede and Concurred)

On motion by that same Senator, the Senate then voted to Reconsider its prior action whereby it voted to Recede and Concur.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President, this bill disturbs me in many ways. In fact, it disturbs me in that I think many teachers or other public employees would find themselves in a very difficult position, particularly in the areas of conflict of interest in considering their budgets, if they were serving in municipalities.

There is no statutory prohibition to teachers holding municipal office, however, Justice Webber, sitting in the Superior Court, has issued declaratory judgments in one Dennett versus the City of Augusta in 1968, and secondly, in Cummings versus the Town of Old Orchard Beach in 1969, which provide that teachers serving on town or city councils may not accept new contracts and may not receive the benefits of salary increases adopted during the period of their service on the council.

As I stated, there is no statutory prohibition to non-school municipal employees serving on school boards, except if it can be shown that there is a conflict of interest or incompatibility of office. However, there are local personnel policies and/or negotiated contract provisions which specify that municipal employees cannot run for any municipal office during their employment.

Mr. President, as I said, I do have grave reservations on this bill, and I would move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. KATZ: Mr. President, the question as to whether or not a teacher is a first-class citizen and can run for city council has been well established, but it is perplexing as to what happens when the city is taking up the school budget and very clearly there is a conflict of interest, and very clearly a teacher who is on the city council does not participate in the vote which sets the contract with the teachers. The conflict is thereby avoided. But we found ourselves, because of Judge Webber's decision, facing the fact that it is, all very well to say a teacher is a first-class citizen, and he may serve and he may

avoid a conflict of interest, but he can't benefit from the contract that is signed improving the lot of all the other teachers in the school system. This bill addressed itself to that very question.

I do not share the misgivings of the minority leader that this should disturb anybody. If there is no conflict, the conflict is avoided. Either we ought to say that a teacher cannot serve on the city council, or we ought to let him serve, avoiding only the specific conflict of voting on budgetary questions pertaining to the school system. Consequently, I urge the Senate to oppose the motion to indefinitely postpone, and I request a division.

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

Mr. CONLEY: Mr. President, the good Senator from Kennebec, Senator Katz, speaks of a teacher serving on a board. What about in the case of my community were several teachers to be elected to the Portland City Council and would have to sit in judgment of their budget? The budget, don't forget, is adopted by the city council itself, the school budget, and if cuts are to be made or monies are to be added, it is done by the city council or the town council, or in some cases selectmen.

Now, I regard teachers as first-class citizens. I think they are fine people and I love their profession, but I think obviously it is like taking the chief of police out of my city and making him chairman of the Portland City Council. I ask you how that would work. I think there is definitely a problem here.

Mr. President, it is my understanding that I would have to move to recede before I could make the motion to indefinitely postpone?

The PRESIDENT: The Chair would advise in the affirmative.

Mr. CONLEY: I would so move, Mr. President.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate recede from its action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I will oppose this motion and ask for the Senate to join with me, and I ask for a division. I think the Senator's real problem is not this piece of legislation at all. The real problem is whether or not he wishes to change existing law which says that teachers may serve on the city council. That is the question, and it is not a question inherent to this bill at all. This bill says that having made that policy decision, and having established the fact that the teacher may not in conflict of interest vote on the budget, then he must not be precluded from joining in the benefits of whatever contracts that the rest of his colleagues pass.

So I would urge you to vote against the motion to recede, and would say to the Senator that I would be glad to report a bill out of the Education Committee, if the legislature orders, raising the very question that he faces here.

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

Mr. CONLEY: Mr. President, I believe that if one were to read their city or town charter, that in most cases they would find that any teacher or public employee of their community is prohibited under that

charter from serving in either of those capacities.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that the Senate recede from its former action whereby this bill was passed to be engrossed. The Chair will order a division. As many Senators as are in favor of the Senate receding will please rise in their places until counted.

A division was had, 17 having voted in the affirmative, and 13 having voted in the negative, the motion prevailed.

Mr. Conley of Cumberland then moved that the Bill be Indefinitely Postponed.

Mr. Katz of Kennebec then moved that the bill be tabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland that the bill be Indefinitely Postponed.

Thereupon, on motion by Mr. Conley of Cumberland, a division was had, 16 having voted in the affirmative, and 13 having voted in the negative, the motion prevailed.

#### Papers from the House

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

##### Enactor

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

##### Emergency

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

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, with four having voted in the negative, and 26 being more than two-thirds of the entire elected membership 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. Katz of Kennebec then moved that the Senate reconsider its action whereby the Bill was Passed to be Enacted.

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

The President laid before the Senate the matter tabled earlier in today's session by Mr. Speers of Kennebec:

The Committee on Taxation on Bill, "An Act to Facilitate the Collection of Real Estate Taxes on House Trailers." (H. P. 672) (L. D. 847) Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-333).

Pending — Adoption of Committee Amendment "A"

On motion by Mr. Speers of Kennebec, Committee Amendment "A" was Indefinitely Postponed.

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

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

Mr. GREELEY: Mr. President and Member of the Senate, and all those people who are connected with the Senate: I just want to tell you after what happened yesterday pertaining to my birthday, I guess I would have to call it one of the best days of my life. Again I want to thank all you people for helping to make it that way. (Applause)

(Off Record Remarks)  
On motion by Mrs. Cummings of  
Penobscot,  
Adjourned until 10 O'clock tomorrow  
morning.