

# 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**

Thursday, May 15, 1975

Senate called to order by the President.

Prayer by Dr. Victor Paul Wierwille, Founder and President of the Way International, New Knoxville, Ohio:

Thank you, Mr. President and greeting to this august body of the Senate of the State of Maine: I am thankful for the privilege of being here because this is your month; the month of May you are celebrating your 155th year of this body. I am really grateful and thankful for the privilege of being with you.

The greatness of the word that lays right here, it says in Psalm 138, verse 2, that God has magnified his word above all his name. If that is true, this is the least read and the least understood book in our world today. All of our government officials as well as clergy and the rest of the educators should be turning back to the integrity and accuracy of that word and allow it to live in our day and time, for our days are crucial, the hours absolutely necessitate someone holding up the greatness of the word.

I am blessed to have the privilege of not just offering a traditional prayer because it is traditional to open a Senate or a House with prayer but because I believe God is going to bless this Senate not only today but in all the work you endeavor to do.

Heavenly Father, in the name of Jesus Christ, I bring this Senate of Maine to you today, and we open our hearts to you like the sunflower opens to the sun. And Father, I thank you that all these Senators may just stand tall and straight like a beautiful pine tree looking up towards you for the great guidance and the light. Father, in the name of Jesus Christ, I absolutely thank you for every person in this Senate, for all the families represented and the loved ones. And as they deliberate regarding the matters of this State of Maine, Father, may their minds be sharp, their hearts quick, and may they have wisdom, and knowledge and understanding, and especially, Father, understand that these men and this woman are responsible for wonderful legislation, the bill on education, and in the human services area. Therefore, Father, I thank you for guiding their deliberations, making them honest and loving and openly to understand how to move the greatness of your wonderful love and power among the people of Maine and throughout the country.

Pray today for the President of these our United States and the tremendous deliberations that he has to make, plus our Congress is there, and here in Maine for the House of Representatives, for the Governor and his people, and Father, I just give this Senate to you today and may it be the most wonderful day that these men and this woman have had in this Senate, in the name of Jesus Christ our Lord. Amen, God bless. Thank you, Mr. President.

Reading of the Journal of yesterday.

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

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

In the House May 6, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-242).

In the Senate May 8, 1975, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Graffam of Cumberland moved that the Senate Adhere, and subsequently Mr. Graham of Cumberland requested a division.

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

Mr. PRAY: Mr. President, is the matter debatable?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to anybody that may wish to answer: could anyone define what "tourist season" is to Maine, in the four season State of Maine?

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

The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Graffam, that the Senate adhere. Will all those Senators in favor of adhering please rise in their places until counted.

A division was had. 15 having voted in the affirmative, and 10 having voted in the negative, the motion prevailed.

(See action later in today's session.)

**Joint Order**

**Non-concurrent Matter**

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

In the House May 1, 1975, Passed to be Engrossed.

In the Senate May 13, 1975, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Berry of Cumberland, the Senate voted to adhere.

**Non-concurrent Matter**

Bill, "An Act Relating to Ballots Containing Improper Write-in Votes." (S. P. 84) (L. D. 255)

In the House May 5, 1975, Passed to be Engrossed, in concurrence.

In the Senate May 13, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-146), in non-concurrence.

Comes from the House, that Body having Adhered.

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

**Joint Order**

WHEREAS, the Maine Legislature is widely known by its wisdom and talent in many fields, athletic competition being but one; and

WHEREAS, it has come to the attention of certain Legislators that there are those among the limited forces of the Attorney General who dabble in sports; and

WHEREAS, against all odds and despite the inability to keep an eye on the ball or to get beyond first base, this small band cares to proclaim its fame in softball; and

WHEREAS, this uncalled group may give this opinion, making children laugh and shout, but there'll be no joy in Augusta when the mighty generals strike out; now, therefore, be it

ORDERED, the Senate concurring, the occasion being most solemn, that the 107th Legislature challenges to trial by combat in the ancient and noble game of softball, the Attorney General and all the persecutors within his command who wish to undergo athletic vanquishment at the

hands of the Legislature; this trial to be held the 27th day of May at Capitol City Park with all due regard for pomp and circumstance; and be it further

ORDERED, upon mutual agreement, there shall be but one umpire for the contest, a Legislator, who shall be qualified and experienced in umpiring the Legislature and Attorneys General continually for no less than 15 terms; and be it further

ORDERED, that the Speaker of the House, the President of the Senate and the Governor of Maine shall provide arbitration and mediation within the limits of their ability with a right of appeal for blind justice to the Justices of the Supreme Judicial Court; and be it further

ORDERED, that advice on the strategy and tactics of softball shall be provided by members of the third House, who have the reputation of knowing the ins and outs of the game; and be it further

ORDERED, that for fair, impartial and objective reporting of this contest, both teams designate the Members of the State House Press Corps for their known impartiality and delicacy in handling legislative affairs; and be it further

ORDERED, that suitable copies of this Order be transmitted forthwith to the Attorney General and such other parties named herein as official notice of this Order. (H. P. 1583)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

ORDERED, the Senate concurring, that the Joint Standing Committee on Education is directed to report out a bill creating an interim commission to study the financing of public education. (H. P. 1588)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Communications**

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

May 14, 1975

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

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Increase the Veteran's Property Tax Exemption" (H. P. 1174) (L. D. 1172):  
Representatives:

CAREY of Waterville  
MULKERN of Portland  
FINEMORE of Bridgewater

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

**Orders**

On motion by Mr. Curtis of Penobscot,  
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 Lee V. Hallowell of Brewer Superintendent of Schools Upon His Retirement After 15 Years

We the Members of the Senate and House of Representatives 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. (S. P. 519)

Which was Read and Passed. Sent down for concurrence.

On motion by Mr. Speers of Kennebec, WHEREAS, a bill entitled "An Act Relating to Ballots Containing Improper Write-in Votes" (Senate Paper 84, Legislative Document 255) is pending before the Senate of the 107th Legislature; and

WHEREAS, said bill has been amended by Senate Amendment "A" to S.P. 84, L.D. 255 under filing number S-146; and

WHEREAS, it appears to Members of the Senate that the provisions of the Maine Revised Statutes, Title 21, section 922, as enacted by chapter 414 of the public laws of 1973, mandatorily require a voter to make a cross or check mark in the square at the left and close to each nominee for whom he wishes to vote if such vote is to be counted; and

WHEREAS, the Attorney General of Maine, on November 5, 1974, issued an opinion to the office of the Secretary of State which opinion was circulated to municipal officials throughout the State of Maine; and

WHEREAS, the effect of said opinion was to nullify the mandatory provisions of Maine Revised Statutes, Title 21, section 922; and

WHEREAS, Senate Amendment "A" to Senate Paper 84 is designed to override the opinion of the Attorney General; and

WHEREAS, it appears to Members of the Senate of the 107th Legislature that certain provisions of this bill, as amended, present important questions of law and the occasion is a solemn one; now, therefore, be it

ORDERED, that in accordance with the provisions of the Constitution of this State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give their Legislature their opinion on the following questions:

1. Would Senate Paper 84, if enacted, modify the existing law of the State of Maine as it related to the candidate for whom a vote would be counted if said cross or check was placed in the blank square below the candidates' names?
2. Would Senate Amendment "A" to Senate Paper 84, if enacted, modify the existing law of the State of Maine as it relates to the mandatory requirement of the Maine Revised Statutes, Title 21, section 922 that, in order for a vote to be effective, the cross or check mark must be placed in the square to the left of the nominee's name?
3. If the answer to question 2 is in the affirmative, in what manner would such amendment modify the existing law of the State of Maine under which the Legislature has prescribed the manner of

marking the ballot which directions must be followed if the voter wishes his vote to be counted? and be it further

ORDERED, that a copy of Senate Paper 84, Legislative Document 255; Senate Amendment "A" (filing number S-146) to Legislative Document 255; and memorandum of the Attorney General to Peter M. Damborg, Deputy Secretary of State dated November 5, 1974 be transmitted to the Honorable Justices of the Supreme Judicial Court as exhibits to this Order.

STATE OF MAINE  
SENATE  
107th LEGISLATURE

Senate Amendment "A" to S.P. 84, L.D. 255, Bill, "An Act Relating to Ballots Containing Improper Write-in Votes."

Amend said Bill by striking out all of the first line after the enacting clause and inserting in place thereof the following:

'21 M.R.S.A. § 925, sub-§2, ¶¶ D and E are enacted to read:

Further amend said Bill by inserting at the end before the Statement of Fact the following:

'E. Improper location of mark. If a voter fails to mark his ballot so that some part of the cross or check mark is within the proper square, the mark is ineffective and his vote for the candidate or question concerned must not be counted.'

Statement of Fact

This amendment clarifies existing law, which law was placed in an ambiguous position as the result of an erroneous opinion of the Attorney General.

In Senate Chamber Read and Adopted. (Motion to Indefinitely Postpone lost.)

HARRY N. STARBRANCH  
Secretary

Sent down for concurrence.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 13, 1975. (Filing No. S-146).

STATE OF MAINE  
Inter-Departmental Memorandum  
November 5, 1974

To Peter M. Damborg, Deputy Secretary of State  
From Jon A. Lund, Attorney General  
Attorney General

Subject: Marking of ballots for candidates in State-wide election

This is a reply to your memorandum of October 29 asking whether the Elections Division of the Secretary of State's Office should allow ballots for candidates seeking election to Statewide offices to be counted if marked on the right-hand side of the ballot at the November 5 General Election. The answer is yes, provided in the judgment of election officials, the mark is not considered to be a distinguishing mark.

The form of the ballot for the General Election is described in 21 M.R.S.A. § 702. With respect to the placement of squares (boxes) on the General Election Ballot, the square must be printed at the left and close to the name of each nominee or write-in space. 21 M.R.S.A. § 702, sub-§ 2, ¶ H. The statutes state "that a voter may designate his choice clearly by a cross or a checkmark" in the square. Ibid. The instructions required to be printed on the General Election Ballot specify that the voter is to make a cross (X) or a checkmark (✓) in the square at the left of the nominee or write-in candidate. 21 M.R.S.A. § 702, sub-§ 2, ¶ C.

Prior to the regular legislative session in 1965, the statutes on the subject of voting required a voter to mark his ballot

so that the intersection of the cross or the apex of the checkmark was within the proper square, and if it was not so marked, the ballot was considered defective in law. That provision was repealed in 1965. P. L. 1965, C. 230. In deleting that statutory provision, the Legislature no longer intends that a ballot be considered defective whenever the mark made by the voter is placed in an improper location, provided the intent of the voter is determinable. Presently, a ballot is considered defective only when it contains too many marks or fails to express a definite choice. A ballot is considered void when not prepared in accordance with Title 21 or when it contains a distinguishing mark.

In the event that a voter marks a ballot with either a cross or a checkmark to the right of the name of the nominee or write-in candidate, which mark appears in the space containing the name of the nominee or write-in candidate, the ballot should not necessarily be considered defective for that reason and the vote for that nominee or write-in candidate may be counted, unless in the judgment of the election officials the mark is considered to be a distinguishing mark.

Which was Read.

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

Mr. CONLEY: Mr. President and Members of the Senate: The order before us today is really a measure that is not worthy of any consideration. As you recall, we debated this amendment, S-146, the day before yesterday. I think the position that I put forth to the Senate was that to adopt this amendment would actually disenfranchise thousands of Maine voters, and particularly within the first district of Maine it was estimated that over 8,000 ballots were checked in the right-hand column. Now, it is no secret to anyone here in this chamber that there is currently going on a recount that has been going on since the first of January, or even prior to that.

This bill has already been placed on the table this morning by the Majority Floor Leader whereby it is reported on the front page of the calendar that the other branch has voted to adhere. I just think that what we are doing is trying to take a path for certain individuals within the state of having the legislature act as a tool to get this question before the court.

First of all, I think the amendment that was offered here was a properly drafted amendment, certainly legal; I just don't agree with the amendment, and it is obvious that no one else in my party here agreed with it, because the court has stated in previous cases that the intent of the voter would be how one would determine how a vote was to be counted.

Mr. President, I move that this order be indefinitely postponed.

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

Mr. SPEERS: Mr. President, I certainly thank the good Senator from Cumberland, Senator Conley, for his remarks, and would simply point out to the members of this body that there is a very serious question that is pending at the present time, and that all this order seeks to do is to ask the court for a determination of the status of Maine law at the present time.

I submit, as the good Senator pointed out, that there is a recount procedure now

in progress, that there are serious questions regarding the ballots that are now being recounted, and that I can think of no more serious matter than to obtain a definitive answer from the Supreme Court of this State as to the status of the law under which those ballots are now being recounted. And that is all that we are seeking at the present time, an answer from the court as to the status of the present law in the State of Maine. I think that that is a very important issue and one which is an issue which we justifiably should address ourselves to.

The good Senator also mentioned the amendment that was adopted in this body as being one which disenfranchises thousands of Maine voters. Well, I guess I have personally a little more faith in the intelligence and the ability of those Maine voters to understand instructions which are clearly printed at the top of every ballot and reflecting the law as required in casting one's vote, and I don't share the paternalistic attitude that we do not have, the faith in these individuals, that they are unable to cast the ballot properly. I do have the faith that they are perfectly able to cast their ballot properly, and this amendment would certainly not disenfranchise anyone.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would just like to say a couple of words about this order. I don't consider this to be a solemn occasion. I think that the means of the legislature or the Governor addressing the courts is for a specific reason, and that reason is when there is a question that makes it hard for the legislature to decide how to act on a particular matter, and it is an occasion that is before the legislature.

The arguments put forth by the Majority Leader are the arguments that there are some citizens who are involved in a situation and they ought to know what the law is. Well, there is a way when there is a case in controversy that the courts can be addressed, and that is why there are lawyers and that is why people hire them. It is not our job to do the work for the lawyers that are representing the people in these cases. They can petition the court, and that is the way that it should be done. I would hope that the people who are responsible for this order would be properly embarrassed.

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

Mr. SPEERS: I would oppose the motion to indefinitely postpone this order and ask for a division.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that this order be indefinitely postponed. Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, that this order be indefinitely postponed please rise in their places until counted.

A division was had. Nine having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

Thereupon, the Order received Passage.

**Committee Reports  
House**

**Leave to Withdraw**

Committee on Marine Resources on Bill, "An Act to Modify the Laws Relating

to Lobster Fishing Licenses." (H. P. 1253) (L. D. 1548) 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 Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I would draw your attention to items 6-1, 6-2, and 6-3, and this represents once again a very regrettable lack of accomplishment at this session of the legislature on vital legislation.

I can't take the time to explain in detail to the Senate the long, long history in which this represents one more incident, and unfortunately a non-productive one at that. I think every session of the legislature has, in my experience up here, attempted to grapple with the lobster problem. I think this underscores the fact that the legislature itself is no solution to anybody's problems. We cannot sift out the good and the bad when they are presented to us from many viewpoints and come up with legislation which is going to solve the problems, be it the field of education, social welfare, or in this instance marine resources, particularly the lobster industry.

Four years ago it was my privilege to chair a committee composed of dedicated legislators which went the length of the coast from Kittery to Machias, and we came up with what we thought was the best possible, under the circumstances, report. This was killed by the industry, and regrettably history has repeated itself again this time, where a very capable group, Representatives Greenlaw and Jackson of the House, conducted hearings up and down the coast and came up with item 6-2. It is all the more regrettable because the moratorium bill, which went into effect by action of this legislature a year ago, is going to expire this December 31st, and there is no way under the sun the legislature could extend it. It is unconstitutional to do so. The moratorium was instituted under the guidance of the court, which said that a moratorium is an extreme act of the legislature and can only be put on the books if there is an end in sight. And the end in sight was the passage of proper legislation.

So we are going to see come January 1st a flood of new lobster licenses. We saw this before the moratorium went into effect. There was probably an increase of over 2,000 people; the number of licenses went from 6,000 to 8,000. It would be hard to predict what is going to happen in January 1st. A minimum of 2,000 or 3,000 additional licenses would be a conservative estimate, in my opinion.

Faced with this very dire threat to their livelihood, once again the commercial lobstermen in Maine have been unable to get together for their own good, to say nothing of the state's welfare. I think that public pressure has got to be brought on these people. As individuals, we commend them for their stand for the rugged life, the hard life, and it certainly is that. There is no probably more difficult way to earn a living. But their refusal to get together to work out their own problems continues to plague the state. One of the problems, of course, are higher prices to everybody in the lobster product as the result of their efforts. This has resulted in a very temporary and false sense of security that the dollar volume from their catches is providing them with a livelihood at the

moment. But this is resulting in more and more traps being put in the water, fewer and fewer lobsters being caught per trap, which results of course in a tremendous inefficient operation.

I beg your pardon for taking this time, but I do wish to underscore once again that the Legislature, most anxious to act, has been unable to do so because of the inability of the industry to attempt to solve its own problems.

The PRESIDENT: Is it the pleasure of the Senate that the committee report be accepted?

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

The Committee on Marine Resources on, Bill, "An Act to Manage, Regulate and Conserve the Lobster and Crab Fishery." (H. P. 1239) (L. D. 1265)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on, Bill, "An Act Concerning Shellfish Licenses and Fisheries Inspection." (H. P. 1436) (L. D. 1790)

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.

**Ought to Pass**

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to License Requirements and Fees for Trapping." (H. P. 440) (L. D. 547)

Reported that the same Ought to Pass.

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Insure the Conservation of Endangered Species in the State of Maine." (H. P. 1204) (L. D. 1767)

Reported that the same Ought to Pass.

Comes from the House, the Bill 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 Local and County Government on, Bill, "An Act to Require a Second Election on Any Adoption, Revision or Amendment of a Municipal Charter Invalidated Because of Procedural Error." (H. P. 116) (L. D. 152)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-311)

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (H. P. 706) (L. D. 885)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-313).

The Committee on Local and County Government on, Bill, "An Act Establishing a Fee for Approved Blanks and Forms Furnished by Registers of Probate." (H. P. 785) (L. D. 956)

Reported that the same ought to Pass as Amended by Committee Amendment "A" (H-306)

The Committee on Local and County Government on, Bill, "An Act to Incorporate the Town of Rockwood." (H. P. 966) (L. D. 1218).

Reported that the same Ought to Pass as



Amended by Committee Amendment "A" (H-309)

The Committee on Local and County Government on, Bill, "An Act to Include Village Corporations Under the Provisions for Home Rule." (H. P. 974) (L. D. 1314)

Reported that the same ought to Pass as Amended by Committee Amendment "A" (H-329)

The Committee on Local and County Government on, Bill, "An Act to Establish County Commissioner Districts in Lincoln County." (H. P. 997) (L. D. 1260)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-310).

The Committee on Local and County Government on, Bill, "An Act Creating Franklin County Commissioner Districts." (H. P. 1002) (L. D. 1281)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-328).

The Committee on Local and County Government on,

Bill, "An Act Relating to Retention of Certain Charges by the Register of Probate of Aroostook County." (H. P. 1056) (L. D. 1340)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-312).

The Committee on Judiciary on, Bill, "An Act Relating to the Revised Enforcement of Foreign Judgments Act." (H. P. 1161) (L. D. 1460)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-321).

The Committee on Business Legislation on,

Bill, "An Act to Improve the Enforcement of the Federal Flammable Fabrics Act." (H. P. 1293) (L. D. 1600)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-318).

Comes from the House, the Bills Passed to be Engrossed as Amended by Committee Amendment "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 Majority of the Committee on Taxation on,

Bill, "An Act to Increase the Property Tax Exemption for Property Used by a Religious Society as a Parsonage." (H. P. 894) (L. D. 1083)

Reported that the same Ought Not to Pass.

Signed:  
Senator:

MERRILL of Cumberland

Representatives:

MORTON of Farmington

SUSI of Pittsfield

TWITCHELL of Norway

FINEMORE of Bridgewater

COX of Brewer

IMMONEN of West Paris

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

Signed:

Senators:

WYMAN of Washington

JACKSON of Cumberland

Representatives:

MAXWELL of Jay

DRIGOTAS of Auburn

MULKERN of Portland

DAM of Skowhegan

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

Which reports were Read.

Thereupon, the Minority Ought to Pass Report of the Committee was Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Marine Resources on,

Bill, "An Act Prohibiting Municipalities from Excluding Nonresident Maine Citizens from Obtaining Local Shellfish Digging Licenses and Authorizing Municipalities to Charge Higher Fees to Nonresident Maine Citizens for those Licenses." (H. P. 1026) (L. D. 1305)

Reported that the same Ought Not to Pass.

Signed:

Senators:

BERRY of Cumberland

CUMMINGS of Penobscot

REEVES of Kennebec

Representatives:

POST of Owl's Head

MACKEL of Wells

MILLS of Eastport

WEBBER of Belfast

CONNERS of Franklin

BLODGETT of Waldoboro

JACKSON of Yarmouth

CURTIS of Rockland

GREENLAW of Stonington

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

Signed:

Representatives:

JENSEN of Portland

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 Local and County Government on, Bill, "An Act to Establish 2-year Terms for County Commissioners." (H. P. 937) (L. D. 1179)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-314).

Signed:

Senators:

JACKSON of Cumberland

GRAFFAM of Cumberland

Representatives:

WALKER of Island Falls

GRAY of Rockland

KELLEY of Machias

CARPENTER of Houlton

BERRY of Madison

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

Signed:

Senator:

CARBONNEAU of Androscoggin

Representatives:

HENDERSON of Bangor

BERUBE of Lewiston

TRUMAN of Biddeford

MARTIN of Brunswick

DAM of Skowhegan

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

Passed to be Engrossed as Amended by Committee Amendment "A". Which reports were Read.

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

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to the General Penalty Provision in the Motor Vehicle Statutes." (H. P. 945) (L. D. 1184)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo

McNALLY of Hancock

CYR of Aroostook

Representatives:

KAUFFMAN of Kittery

FRASER of Mexico

STROUT of Corinth

WINSHIP of Milo

JACQUES of Lewiston

LUNT of Presque Isle

BERRY of Madison

ALBERT of Limestone

WEBBER of Belfast

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

Signed:

Representative:

JENSEN of Portland

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.

#### Senate

##### Leave to Withdraw

Mr. O'Leary for the Committee on Natural Resources on, Bill, "An Act Authorizing the Commissioner of Conservation to Confer and Cooperate with the United States Geological Survey in Certain Instances." (S. P. 300) (L. D. 1019)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

##### Ought to Pass - As Amended

Mr. Cyr for the Committee on Public Utilities on, Bill, "An Act Clarifying the Right to Appeal from Final Decisions of the Public Utilities Commission." (S. P. 379) (L. D. 1230)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-150).

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 and Tomorrow Assigned, pending Adoption of Committee Amendment "A".

##### Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to Utility Deposit Practices." (S. P. 358) (L. D. 1162)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot  
GREELEY of Waldo  
CYR of Aroostook

Representatives:

LEONARD of Woolwich  
TARR of Bridgton  
NADEAU of Sanford  
BERRY of Buxton  
KELLEHER of Bangor  
LUNT of Presque Isle  
LITTLEFIELD of Herman  
SAUNDERS of Bethel  
SPENCER of Standish

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

Signed:

Representative:

GRAY of Rockland

Which reports were Read.

Thereupon, on motion by Mr. Graham of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

**Divided Report**

The Majority of the Committee on Education on, Bill, "An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services." (S. P. 202) (L. D. 669)

Reported that the same Ought to Pass.

Signed:

Senators:

KATZ of Kennebec  
THOMAS of Kennebec  
BERRY of Androscoggin

Representatives:

TYNDALE of Kennebunkport  
BAGLEY of Winthrop  
LEWIS of Auburn  
CARROLL of Limerick  
CONNALLY of Portland  
MITCHELL of Vassalboro  
POWELL of Wallagrass Pt.

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

Signed:

Representatives:

LYNCH of Livermore Falls  
FENLASON of Danforth  
INGEGNERI of Bangor

Which reports were Read.

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

**Second Readers**

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

**House**

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)

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

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)

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

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

Bill, "An Act Relating to the Borrowing

Capacity of East Range II Community School District." (H. P. 1560) (L. D. 1870)

Bill, "An Act Relating to Reserve Valuation Standards for Life Insurance and Annuity Contracts and Nonforfeiture Benefits of Life Insurance Policies." (H. P. 1576) (L. D. 1879)

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

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

Bill, "An Act to Permit the Continuation of Mediation Services." (H. P. 739) (L. D. 911)

Which was Read a Second Time.

On motion by M. Speers of Kennebec, tabled and Specially Assigned for May 19, 1975, pending Passage to be Engrossed.

**House - As Amended**

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)

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

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

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

Bill, "An Act Concerning Candidates for Public Office who are Running as Independents." (H. P. 953) (L. D. 1192)

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

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

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

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

Bill, "An Act to Clarify Certain Provisions of the Maine Right to Know Law." (H. D. 848) (L. D. 1035)

Which was Read a Second Time.

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

Mr. REEVES: Mr. President, in the interest of orderly Senate procedures, later in the session I intend to withdraw my motion to revive a bill similar to this bill, but in no way do I or the other sponsors of this other proposal withdraw any support for the important provisions of our bill.

Maine needs to improve its right to know law. That should be clear to all of us. For example, our present law, although it was a pioneer in the area of open meetings, has given room to some government councils to operate behind closed doors, and that has given reason for public suspicion. When you don't know what is going on, it is only natural for some to suspect the worst, and I think the people still remember Watergate. But I would like to offer an example of this from a recent issue of the Kennebec Journal that many of you may have seen. The headline is "Council Budget Session Secret."

I don't wish to take a lot of time right

now because my intention is to redraft certain amendments for this bill, L. D. 1035, in the areas which are listed on a fact sheet which I distributed to members of the Senate today. Specifically, the sponsors of the Common Cause bill on open meetings, L. D. 512, believe that our law needs these improvements, and these are the types of amendments that I have in mind for this bill, L. D. 1035;

The first, and I think one of the most important, is public notice, because without this, without a simple way of letting the public know, any meeting would in effect be a secret meeting.

Second, we need to require that minutes be kept. We must recognize that there also must be a flexibility in our law, that there are times when some matters cannot be discussed in public, so we want to list certain exceptions under which a government council may vote to meet in private without, of course, taking any final action. Such exemptions might include the discussion of individuals, security measures, collective bargaining, criminal allegations.

Finally, we feel it is important that an ordinary citizen must have standing to bring action to stop secret meetings which violate our law, and to void any actions taken in violation of the law.

Most important, this law on open government must apply to us in the legislature as well as all others. We must be as open as any government council. We cannot be above the law as we are now.

Mr. President, I think it is appropriate in discussing this bill to mention Common Cause of Maine. They are a group of good people who worked hard on this bill, and they represent many others who believe that good government is open government. Thank you, Mr. President.

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

Mr. SPEERS: Mr. President, I appreciate the remarks of the good Senator from Kennebec, Senator Reeves, and I certainly commend him for acknowledging that this bill is before us, as well as another bill coming from the House, and that it is available for amendments that may be offered, rather than insisting on the bill that was reported out "Leave to Withdraw" from the Committee on Legal Affairs. For that reason, I would like to have this matter tabled until possibly Tuesday of next week so that the good Senator may have the amendments prepared, as he has indicated he would like to do.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Specially Assigned for May 20, 1975, pending Passage to be Engrossed.

**Senate**

Bill, "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools." (S. P. 476) (L. D. 1609)

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

Sent down for concurrence.

**Senate - As Amended**

Bill, "An Act to Redefine the Term Payable in Installments under the Maine Consumer Credit Code." (S. P. 61) (L. D. 178)

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)

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 Relating to the Osteopathic Student Loan Fund. (S. P. 342) (L. D. 1144)

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

An Act Relating to Innkeepers, Victualers and Lodging Houses. (H. P. 1115) (L. D. 1406)

An Act to Provide for Reimbursement of Court Appointed Attorneys for Reasonable Disbursements made on Behalf of Their Clients. (H. P. 1265) (L. D. 1631)

An Act to Exempt Nonprofit Historical Societies and Museums from Payment of Sales Tax. (H. P. 1326) (L. D. 1627)

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

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

An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers. (H. P. 480) (L. D. 599)

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

Mr. GRAHAM: Mr. President and Members of the Senate: You know how I feel about this bill. It would grant a tax-exempt status to property leased — yes, leased, as well as property owned by community mental health centers. I would not go into this again except for the fact that something new has come up since we debated this issue last time. I received a letter from the editor of the Bath-Brunswick Times Record:

"Dear David: We have been trying for some time to obtain a list of staff members and weekly salaries at the Bath-Brunswick Mental Health Association, Inc. so that we might do a story comparing state salaries with those paid by the local agencies. So far, our efforts have been unsuccessful, and we are now appealing to you for whatever help you can give us on this matter."

So here is an agency, most of whose money comes from the taxpayer, refusing to make public how it spends the public money. Talk about bureaucracy. For them we are being asked to grant tax-exempt status not only for property they own — they have that — but for property they lease. Now, some good friends of mine are doing this work, and it is very fine work, and I blush for opposing them in anything they do, but aren't we creating another layer of government, a government unaccountable to the voters?

Few of us, I dare say, came here with the avowed intention of raising the property tax, but this is what this bill will do. By exempting one man's property from taxes, you raise everybody's taxes besides, if only to a small degree. That is why the property taxes become such a burden, especially in cities of any size. It is loaded with these exemptions. Our cities are

sinking under the weight of these exemptions. Instead of handing out more exemptions, we here should be removing exemptions. Let us begin by defeating this bill with its one more exemption.

I request a division.

The PRESIDENT: The pending question before the Senate is the enactment of L. D. 599, An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers. A division has been requested. Will all those Senators in favor of passing to be enacted L. D. 599 please rise in their places until counted.

A division was had. No Senators having voted in the affirmative, and 25 having voted in the negative, the Bill failed of Enactment.

(See action later in today's session.)

#### Reconsidered Matter

Mr. Roberts of York moved that the Senate reconsider its action of earlier in today's session whereby it voted to Adhere on:

#### Non-concurrent Matter

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

In the House May 6, 1975, Passed to be Engrossed as amended by Committee Amendment "A" (H-242).

In the Senate May 8, 1975, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having

Isisted.

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

Mr. ROBERTS: Mr. President, I request that the body vote against my motion.

The PRESIDENT: The Senator from York, Senator Roberts, now moves that the Senate reconsider its action in regard to item 1-1, whereby the Senate voted to adhere. Will all those Senators in favor of reconsidering their action in this matter please say "Yes"; those opposed, "No".

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

#### Reconsidered Matter

Mr. Graham of Cumberland moved that the Senate reconsider its action of earlier in today's session whereby the following Bill Failed of Enactment:

An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers. (H. P. 480) (L. D. 599)

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

#### Orders of the Day

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

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

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

Pending — Passage to be Engrossed.

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

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

On motion by Mr. Pray of Penobscot, retabled and Specially Assigned for May 20, 1975, pending Passage to be Engrossed.

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

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

Tabled — May 13, 1975 by Senator Speers of Kennebec.

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

Mr. Reeves of Kennebec then withdrew his motion to Substitute the Bill for the Leave to Withdraw Report of the Committee.

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

Sent down for concurrence.

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

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

Tabled — May 14, 1975 by Senator Katz of Kennebec.

Pending — Adoption of Senate Amendment "A" (S-149).

Mr. Pray of Penobscot then withdrew Senate Amendment "A".

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

Senate Amendment "B", Filing No. S-153, was Read.

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

Mr. PRAY: Mr. President, just a brief explanation on the difference between "A" and "B": Senate Amendment "B" leaves in the provision where the governor may grant a two-year complimentary hunting and fishing license to a holder of the Congressional Medal of Honor. That is the only difference between the two amendments.

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

The motion prevailed.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the fourth 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 14, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

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

On motion by Mr. Conley of Cumberland, retabled and Specially Assigned for May 20, 1975, pending Passage to be Engrossed.

The President laid before the Senate the fifth tabled and 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 14, 1975 by Senator Speers of Kennebec.

Pending — Consideration.

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



(In the Senate — Indefinitely Postponed, in non-concurrence.)

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

On motion by Mr. Corson of Somerset, the Senate voted to Recede from its former action whereby the Bill was Indefinitely Postponed.

House Amendment "A" was Read and, on motion by Mr. Corson of Somerset, Indefinitely Postponed in non-concurrence.

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

Senate Amendment "A", Filing No. S-152, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — May 14, 1975 by Senator Katz of Kennebec.

Pending — Motion of Senator Conley of Cumberland to Indefinitely Postpone Bill and Accompanying Papers.

(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)

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

Mr. KATZ: Mr. President, may I very briefly explain the implications of the bill that we are addressing here today. We have already passed it to be engrossed. The motion before us is indefinitely postponement. I oppose the motion and ask for a roll call vote.

The subject before us is not whether a teacher be permitted to serve on a city council. Previous legislatures have already decided that, and all the debate has been on the issue which previous legislatures have decided. And if there is some feeling that teachers should not be permitted to serve under any circumstances, I suggest that those who feel that way should bring in a bill to repeal our previous action.

Teachers, subject to local decisions, may now serve on a city council. And if a teacher wishes to run for office, and is elected, he may serve but he may not vote, under present law, on the school budget because this is a conflict of interest.

Now, what does this bill do? Well, this bill corrects a basic unfairness. If a community wants to permit teachers to serve on the city council, and if a teacher actually is elected, and if the budget comes up before the city council, the teacher, having refrained from voting because this would be a conflict, nevertheless is a member of a teacher's group which is granted, let's say, a \$300 a year raise. Under existing law, every teacher in the unit gets a \$300 raise except one, and that is the teacher that is on the city council, period. All this bill does is say that this discrimination will be removed, and if the other teachers are granted a raise, and if he has refrained from voting and there is no conflict, he may also get that same raise. That is the whole ball of wax.

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

Mr. CLIFFORD: Mr. President, I would like to make an inquiry through the Chair to any member who would care to answer. It seems to me it is my understanding of the law that currently the law restricts those in the legislature from receiving a salary increase for a position to which they are appointed, which salary increase was given during the legislative session in which that person served. I believe we had a member during the last session of the legislature who was affected by that provision. My inquiry, I guess, would be whether that was statutory or constitutional, and whether or not, if we are going to change it for the teachers, whether we ought to change it for members of the legislature who are later appointed to positions concerning which the legislature votes a raise?

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I suggest that this is completely different. In the 106th Senate we had a member who subsequently was appointed to the bench, and the legislature had approved an increase in the salary of the judges for which this member of the Senate presumably voted, but I think that the situation before us is very, very different, that in this case on any increase because this would be a conflict. Having avoided the conflict, what we are saying is that he should not be penalized.

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

Mr. CONLEY: Mr. President, it is my understanding that the way teacher contracts are negotiated are between school boards and teachers' representatives. It has nothing at all to do with the city council or town council. In fact, their working contract generally, if it is followed down the path, ends up either going to arbitration or mediation and factfinding. The city council itself would have no jurisdiction whatsoever over salaries. Those are negotiated salaries.

What bothers me, in a sense, is that in the case of the City of Portland you could actually — and perhaps it is a little ludicrous to say, but it could possibly happen that you would have nine teachers serving as members of the Portland City Council, and I just say if one tries to act responsibly right now — say you had a non-teacher on the Portland City Council and he thought the school budget was too high, I just wonder how the Portland City Council would ever be able to cut down on the school budget. Obviously, those nine people apparently would have a conflict of interest.

Now, there is also within the communities, as I stated yesterday, town and city charters that prohibit municipal employees from holding any public office or running for public office within their respective communities.

I just think we are opening up a ball of wax here and are going to put ourselves in a very awkward predicament, and I still stand by the motion to indefinitely postpone this bill.

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

Mr. KATZ: Mr. President, I do wish the Senator would debate the bill that is before us. It is not a question as to whether teachers should be permitted to serve. As a

matter of fact, if there were nine teachers on the City Council in Portland, that would probably give the Senator substantially more time to join us here in the Maine Senate. And on the same basis, it is possible some day we may have, if you will just pause and think about it, thirty-three lawyers in this body, but it has nothing to do with this legislation.

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

Mr. CLIFFORD: Mr. President, would the Secretary read House Amendment "C", which I believe is still on the bill?

The PRESIDENT: The Secretary will read House Amendment "C".

The Secretary read House Amendment "C", Filing No. H-300, to House Amendment "A".

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President, I would ask a question through the Chair again, whether the bill taken as a whole allows municipal employees generally to serve on a municipal school board or an administrative school unit, and whether that would override a charter prohibition?

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I think that the person who asked the question probably is much better qualified than I to answer. I understand that there are many municipalities in the state which in their charter have provisions which prohibit this kind of service. And it is my understanding that despite state law, for example, the City of Bangor in its charter precludes teachers from serving. But here again, that is not the issue today. The issue is: if they do serve, how do you treat them?

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

Mr. CONLEY: Mr. President, I am astonished at the remarks of the good Senator from Kennebec, Senator Katz, and I would pose a question: if this be the case in these communities where the charter does prohibit it, and this amendment is adopted on the bill and the bill is enacted, does this general law take precedence over anything that is written in any community's charter?

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I would like to pose a question through the Chair to any member who may care to answer as to the existence of statutory law pertaining to the ability of teachers to serve passed by a previous legislature. Has this statutory authority superseded local charters, particularly the City of Bangor and others, which in effect are precluding, and in Waterville — I notice the mayor sitting with us — do they in fact now permit teachers to serve, despite their charters? I think the answer is no.

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

Mr. MERRILL: Mr. President, I have to admit some slight confusion here, and it is very possible I am reading this amendment wrong, House Amendment

"C", but I would raise a parliamentary question as to our action when we adopted House Amendment "C", as to whether or not this is germane to the bill. As I understand the bill, it has to do with teachers and their rights. As I understand the amendment, it has to do with municipal employees other than teachers.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for May 20, 1975, pending the motion by Mr. Conley of Cumberland that the Bill be Indefinitely Postponed.

**Papers from the House**

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

**Joint Order**

ORDERED, the Senate concurring, that "An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine," House Paper 1128, Legislative Document 1404, be recalled from the Governor's desk to the House. (H. P. 1593)

Comes from the House, Read and Passed.

Which was Read.

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

**(Off Record Remarks)**

On motion by Mrs. Cummings of Penobscot,

Adjourned until 1:30 tomorrow afternoon.