

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, May 20, 1975

Senate called to order by the President.

Prayer by Dr. William J. Robbins, First Universalist Church, Rockland:

Let us be in the mood of prayer or meditation.

Almighty God, Father of us all, who hast given us this good portion of the earth for our heritage, we pray that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our inhabitants with honorable industry, sound learning, and good manners. Save us from violence, discord and confusion and from every evil way. Defend our liberties, preserve our unity. Endue with the spirit of bold wisdom those in whom in Thy name we entrust the authority of government and the responsibility of writing timely laws for our beloved state, that there may be justice and peace in our several communities, and that through obedience to Thine eternal unwritten laws we may show forth Thy praise among all peoples of the land. In time of prosperity fill our hearts with thankfulness, and in the day of trouble suffer not our trust in Thee to fail. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Motor Vehicle Excise Tax." (S. P. 293) (L. D. 1018)

In the Senate May 6, 1975, Bill and accompanying papers, Indefinitely Postponed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-406), in non-concurrence.

Mr. Curtis of Penobscot moved that the Senate Recede and Concur.

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

Mr. CIANCHETTE: Mr. President, the bill comes back to us after being indefinitely postponed here with an amendment that in effect does away with part of the problems of the original bill, and it gives me a good opportunity to talk about this bill because it removes any equipment engaged with the construction industry, which would remove any personal feelings that I may have about the bill. So we are talking now about the merits of the bill itself.

I want to pass on to the Senate that this bill, if adopted or if amended, as it says, will do nothing but create a bunch of loopholes in the law that are going to put towns in a bidding process as to who is going to collect the excise taxes on certain vehicles. In the statement of fact of the amendment it says: "This amendment provides that the excise tax on certain motor vehicles owned by a construction company temporarily housing them in a municipality shall be paid to the municipality containing the registered office of the corporation." That is the amendment. And I would like to know who is going to determine where something is temporarily housed and which municipality will be doing the collecting. This leaves it wide open to trucking companies, and who is going to determine where these trucks are going to be excised.

Now, the bill, I am sure, addresses itself to a few local problems in the state who are missing out on something that they can see as a good big promise of excise taxes, but I

think the Senate would be in error to let this bill pass because we are creating loopholes in the law that we don't need. We need to keep it tight or excise taxes are going to go out to the bid process. I think that is wrong, and I hope you vote against the motion to recede and concur.

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

Mr. CURTIS: Mr. President, the purpose of this bill with its amendment is to provide for excise equity, and I think that the amendment which came to us from the House indeed takes care of the problems which were alleged earlier in a previous debate in the Senate.

If you will look at the amendment carefully, you will see that the beginning of it reads that the first paragraph of paragraph C—that is of the bill itself, L. D. 1018—shall not apply to vehicles which are owned by a corporation engaged principally in the construction industry and which are temporarily housed in a municipality pursuant to a particular contract whose actual duration is 24 months or less. This would seem to take care of the transient problem that was described earlier.

In answer to the question that was previously posed, we have one tax law for the State of Maine. It should be fairly and equitably applied. The owners of the vehicles must excise their vehicles, and the only question is which municipality is going to be the beneficiary of the taxes which should be paid. Again, I will make the description as I did before: that there are municipalities such as the one in which I reside in which trucks are housed for year after year and which all of the excise taxes paid for those vehicles are paid to another municipality.

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

Mr. JACKSON: Mr. President and members of the Senate: In regard to this amendment which seems to have caused a little debate, we thought this would be the most fair way of amending this bill so that the municipalities who are losing the excise tax at the present time with some of these companies would get it back.

As to what the good Senator from Somerset, Senator Cianchette, says about the bidding procedure, that some of the towns would go into competitive bidding for the excise tax, I have to agree with the good Senator from Penobscot, Senator Curtis, that we have one tax throughout the State of Maine here on the excise tax. As far as the heavy construction equipment, I understand when that is assessed they have to take the insurance claims, or whatever you want to call them, into the excise office or the town clerk, and it is excised on this.

To get back to the bill itself, I just don't feel that it is fair to some of these smaller municipalities, or maybe even some of the larger municipalities, that house these vehicles, where they are housed for a long duration of time, we'll say over 24 months, and these vehicles are using these highways and using these facilities of the town, even though they might have buildings there and the town does collect taxes on the buildings, I just don't think it is fair that these corporations or these companies should have the use of these properties or these roads without paying something to the town.

Now, if it goes to the Town of Pittsfield, if it goes to the City of Portland, or it goes to

the City of Bangor, or the City of Augusta, whatever the case may be and where the corporation headquarters are, I just don't feel this is fair. These towns and these cities are just reaping in the money, so to speak, and the smaller municipalities are paying for it. And I just feel that the bill is good. The amendment I think has taken care of the question that was in the bill previously, and I would urge everybody to support, if it does come to a vote, the motion to recede and concur with the House.

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

Mr. KATZ: Mr. President, I applaud the attempts of the amendment, but the amendment doesn't do a blessed thing for my objections. Right at the moment the home town of a corporation is a matter of fact. The garaging place of a car is frequently a matter of opinion. And we are taking a perfectly effective state taxation law and confusing it for one single purpose only. That is to cause some kind of a more advantageous distribution of excise tax dollars for some communities that want in, and that is absolutely no basis for taking an effective state law and subverting its purpose.

I urge you to continue to vote against this legislation.

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

Mr. CIANCHETTE: Mr. President, I would like to pose a question through the Chair to anybody who may care to answer it. How would this change in the law affect a company like the Central Maine Power Company? Where would they pay their excise taxes and on what types of vehicles?

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: I think the answer is fairly clear to the question, and that is that they would pay it where they have their primary office, unless they had some contract they were working on which was of a duration of more than 24 months, or in which they had an office that was located outside of Augusta where they were primarily housed.

Now, the purpose of this bill with its amendment is to provide the same standards to a domestic corporation as we now apply to a foreign corporation. And a foreign corporation is any corporation that is incorporated in a state other than the State of Maine. So that we now have the situation which has been described as having loopholes and great problems in bidding processes and all this plethora of problems that people see in the existing law. This situation now applies to foreign corporations, and yet we find a way in which to tax those vehicles which are primarily housed in the State of Maine. I suggest that we ought to apply the same standards to the domestic corporations.

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

Mr. MERRILL: Mr. President and Members of the Senate: Two quick points about this bill: First of all, this isn't a big cities versus small towns bill; that is a red herring. I honestly don't know how this bill would affect the City of Portland. Obviously we have quite a few

corporations that make their home in Portland. Also we have a lot of corporations that do a great deal of work in Portland, that keep their trucks there, that don't have their home in Portland. As a matter of fact, I think probably Cianbro has some vehicles that they keep in Portland for one or another of their business operations, and we don't get the money under the present law. So I don't know how this would affect Portland. It very well may be that if we passed this bill it would help the City of Portland. But I don't think that should be the central issue in this case.

I think that we ought to have a system that is void of loopholes in the ability of these bidding procedures, and I think we ought to have a system with some equity. I suggest that the system with the most equity is to treat all the citizens of the state the same, be they corporate citizens or private individuals. The effect of this law would be to do otherwise, and I think we ought to stick to our previous action and defeat this bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Curtis, that the Senate recede and concur with the House.

The Chair will order a division. Will all those Senators in favor of the motion to recede and concur please rise in their places until counted.

A division was had. 16 having voted in the affirmative, and 13 having voted in the negative, the motion prevailed.

(Off Record Remarks)

Communications
STATE OF MAINE
Department of Transportation
State Office Building
Augusta, Maine 04330

May 19, 1975

To: Governor James B. Longley and Members of the 107th Legislature

In accordance with the provisions of Chapter 144, Private and Special Laws of 1973, I am pleased to submit a summary report entitled "Bangor-Brewer Bridge Location and Feasibility Study", prepared for the Maine Department of Transportation by Fay, Spofford and Thorndike, Inc., Boston, Massachusetts, May 1975.

We have taken the opportunity to assure a high level of local participation in the preparation of the report, and the results reflect this input.

Respectfully submitted,
Signed:

ROGER L. MALLAR
Commissioner
Maine Department of Transportation
(S. P. 525)

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

Sent down for concurrence.

Committee Reports
House

Ought to Pass — As Amended

The Committee on Legal Affairs on, Bill, "An Act Relating to Executive Sessions of Public Bodies or Agencies." (H. P. 722) (L. D. 899)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-286).

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 Local and County Government on, Bill, "An Act to Authorize the Appropriation of Funds for Full-time County Administrators." (H. P. 919) (L. D. 1132)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-307).

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

Which report was Read and Accepted and the Bill Read Once.

Mr. Clifford of Androscoggin then moved that the bill and accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Jackson

Mr. JACKSON: Mr. President, I rise to speak in opposition to that proposal. We heard this bill, an act to authorize the county commissioners to employ full-time administrators, and we thought we would have some problems with the county administrator bill, and evidently we have some problems with it, from looking at the bottom here. But the biggest question we had when we heard this bill and the people who testified in committee was that the growing problems that exist with county government — I won't say growing problems, but the areas of participation, the services that the counties provide today, a lot of them have taken over the services that the towns used to render and it has gone to a county basis, and things of this nature.

We felt maybe the counties that felt they needed and wanted a county administrator, that we would give them the opportunity to go ahead and ascertain the services of one for the function with these services that require daily attention, and where your county commissioners might meet once a week in the evening or they might meet once a month, or whatever the case may be, we felt that if somebody had a pulse on things that we might be able to save the counties some money and streamline the services to make sure that they were working adequately and properly.

To indefinitely postpone this bill, I think, would be dealing a great injustice to the taxpayers of the State of Maine. I think they want more than they are getting now from the county commissioners, and I really feel that this bill has good merit. It isn't mandatory, it is not saying that every county shall have an administrator; it states that every county may have an administrator. It is not "shall", this is not mandatory.

I understand there was an amendment in committee that was put on where the legislative delegation would have the opportunity to participate in the selection of this person who was going to be the county administrator. Therefore, I urge the members of the Senate to vote against that motion, and accept this L. D. 1132, because I just feel myself, and it was the consensus of the committee and it came out as a unanimous report out of committee, that maybe with the problems that exist in some of the counties in county government that this might take away some of the problems.

In turn, the county commissioners would not retain their salary that they are getting at the present time. It would go back down—I think the lowest it could go was \$1,500—and they still would be required to do the job that they are doing now by meeting once a week or once a month, and some of these county commissioners that are getting up close to \$4,000, \$5,000 or \$6,000, their salary would have to be cut to compensate for the administrator's salary.

I just feel the bill is a good bill. I think it has merit, and again I would urge the members of this body to vote against the motion to indefinitely postpone.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: It seems to me that this bill is going to be an invitation for county governments to hire full-time administrators. It also seems to me that we are at a crossroads now as to whether county government is going to continue to grow and to mushroom or whether it is somehow going to be controlled.

I think that the passage of the bill and the hiring of administrative assistants, which most of the counties would do, would tend to make permanent the structure of county government, and I think the legislature would be missing an opportunity to make the decisions that should be made as to whether or not to limit the control of county government, transfer some of its functions, or to allow it to continue to mushroom. I think we have all had experience of the costs of county government in this legislature for the next biennium.

I hope you would vote for the motion to indefinitely postpone in concurrence with the other body. Thank you, Mr. President.

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

Mr. JACKSON: Mr. President, the good Senator from Androscoggin, brought out a point that we don't know what is going to happen to county government. I wouldn't say there is a good chance it is going to stay and I wouldn't say there is a good chance it is going to go. But we have a few of the counties in the State of Maine that already employ these so-called administrative assistants. They actually have a different name, but this bill would take care of the problem that exists there and they would be administrative assistants.

The counties that employ these people already are the counties that we don't seem to have any problems with as far as the county budgets go or as far as the county commissioners go. There are a few counties in the State of Maine that do have substantially higher budgets, and I might add that on some of these budgets that the county commissioners submitted the legislative delegations right here in the two bodies raised those so-called appropriations that the counties wanted to make. I know in one county it was raised by better than \$330,000 by the legislative delegation.

Now, I don't feel that this is a thing that we should take out on the entire sixteen counties in the State of Maine, where one county might have done this, or we might have four counties which have gone above and exercised authorities they didn't have. I just feel that we ought to judge this bill on its merits. We have got four counties in the State of Maine that utilize these county administrators presently, and they are working out fine.

With the bill, as I say, if you are worried about the county commissioners receiving more money, they are not going to receive more money. It is written into the bill that they will reduce their salaries, and this will offset the price of the county administrator.

Now, the qualifications of this man would be the same qualifications that a town manager would have, or he would have to have a background, so you are not worrying about hiring somebody right off the street that doesn't have any knowledge of the workings of government. Another thing is that the legislative delegation would be tied into the hiring of this individual. It is not that every county is going to go right out and hire somebody. It would be only the counties that feel they need one.

I think it is a good bill, and again I would urge the members of this body to vote against indefinite postponement.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that Item 6-2, L. D. 1132, and all its accompanying papers be indefinitely postponed.

The Chair will order a division. Will all those Senators in favor of the indefinite postponement of this bill please rise in their places until counted.

A division was had. 18 having voted in the affirmative, and 14 having voted in the negative, the motion prevailed.

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

Mr. CLIFFORD: Mr. President, I move that the Senate reconsider its action whereby this bill was indefinitely postponed, and I urge you to vote against my motion.

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

Mr. JACKSON: Mr. President, I move this lie on the table for one legislative day.

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

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Clarify the Fuel Adjustment Clause under the Public Utility Law." (H. P. 1086) (L. D. 1366)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot
GREELEY of Waldo
CYR of Aroostook

Representatives:

GRAY of Rockland
SAUNDERS of Bethel
LUNT of Presque Isle
LITTLEFIELD of Hermon
BERRY of Buxton
NADEAU of Sanford
KELLEHER of Bangor
TARR of Bridgton
SPENCER of Standish

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

Signed:

Representative:

LEONARD of Woolwich

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.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Increasing the Number of Associate Justices of the Supreme Judicial Court." (S. P. 147) (L. D. 510)

ask leave to report: that the House recede from passage to be engrossed; indefinitely postpone House Amendment "B" (H-190); adopt Conference Committee Amendment "A" and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-373); that the Senate recede from passage to be engrossed; adopt Conference Committee Amendment "A"; and pass the bill to be engrossed as amended by Conference Committee Amendment "A".

On the part of the House:

SNOW of Falmouth
CARPENTER of Houlton

On the part of the Senate:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

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

Which report was Read and Accepted in concurrence.

Senate

Ought to Pass — As Amended

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act to Clarify the Estimated Premium Tax Law." (S. P. 260) (L. D. 857)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-165).

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

Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Lot in Trescott, Washington County, to Clarify Title. (H. P. 954) (L. D. 1193)

Bill, "An Act to Permit Interstate Public Utility Hearings." (H. P. 1254) (L. D. 1550)

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

Bill, "An Act to Provide Employment Security for State Legislators." (H. P. 1224) (L. D. 1535)

Which was Read a Second Time.

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

Mr. KATZ: Mr. President, may I inquire through the Chair whether or not an amendment is to be offered at this time on this legislation?

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 York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: There is an amendment that will be prepared to be

offered to this bill, and I wish someone would table it for one day.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Bill, "An Act Further Defining the Definition of North American Indians Residing in Maine." (H. P. 1375) (L. D. 1688)

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

Sent down for concurrence.

House — As Amended

Resolution, Proposing an Amendment to the Constitution to Establish Filing Dates for Initiative and Referendum Petitions; Clarify when the Effective Date of a Bill is Suspended by the Filing of a Referendum Petition; Clarify the Process of Calling a Special Election for an Initiative or Referendum Vote; Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People; Clarify the Petition Process; and Provide for Review of the Validity of Petitions. (H. P. 158) (L. D. 188)

Which was Read a Second Time.

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

Mr. SPEERS: Mr. President, I would like to ask a question through the Chair on this particular item of anyone on the Committee on State Government as to the status of this particular bill. I note that in the title there is a phrase, "Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People." My concern regarding this is if there is an initiated bill which comes before the legislature and which the legislature turns down, not because of the merits of the particular bill but because the bill is so badly written, that bill of course must then go to the people at any rate, and if then approved by the people, under the provisions of this constitutional amendment would the legislature be prohibited from changing that bill in any way and creating a better bill which might possibly do the same thing, but in other words, changing that bill in any way in the next regular session or even the special session after the people had voted on that particular initiative?

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

Mr. CURTIS: Mr. President, the answer to the question, I believe, is no. However, because this is a pretty complicated piece of legislation dealing with the Maine Constitution, we are in the process of preparing a summary which details what the changes would be. It would be in writing so it would be available to people.

I think it might be appropriate, as there is no huge rush on the enactment of this, to table it for a day so that the memo I have in mind might be available before us on our desks.

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

Thereupon, on motion by Mr. Graham of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Bill, "An Act to Clarify the Laws

Relating to Human Rights." (H. P. 187) (L. D. 224)

Bill, "An Act to Provide for Regulation of Insurance Holding Company Systems." (H. P. 462) (L. D. 578)

Resolve, Authorizing Peggy Lanpher of South China or her Legal Representatives to Bring Civil Action Against the State of Maine. (H. P. 549) (L. D. 677)

Bill, "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park." (H. P. 978) (L. D. 1225)

Bill, "An Act Relating to the Period for Commencing Civil Actions under the Human Rights Act." (H. P. 1269) (L. D. 1583)

Bill, "An Act Appropriating Funds to the Department of Mental Health and Corrections for Fire Prevention and Structural Safety Improvements at the Military and Naval Children's Home (H. P. 1357) (L. D. 1659)

Bill, "An Act to Amend the Human Rights Act to Prevent Discrimination Against the Mentally Handicapped and to Clarify the Provisions in the Human Rights Act Regarding Physical Handicap." (H. P. 1410) (L. D. 1791)

Bill, "An Act to Amend the Charter of the Seaport Water District." (H. P. 1235) (L. D. 1795)

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

Bill, "An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands." (H. P. 965) (L. D. 1209)

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

Sent down for concurrence.

Bill, "An Act Converting Allagash Plantation into the Town of Allagash." (H. P. 1276) (L. D. 1647)

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its prior action whereby Committee Amendment "A" was Adopted and, on further motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed and the Bill Passed to be Engrossed in concurrence.

Bill, "An Act to Clarify the Maine Mining Law to Reform Procedures for Handling of Licenses and Lease Negotiations and to Increase Income from Mineral Operations." (S. P. 405) (L. D. 1308)

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

Sent down for concurrence.

Bill, "An Act Relating to the Maintenance of Vital Records." (S. P. 322) (L. D. 1099)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-170, was Read.

Mr. Hichens of York then moved that the bill and accompanying papers be Indefinitely Postponed.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: This is a bill which we debated yesterday which allows with the amendment, if the amendment is

adopted, those communities which have a problem to submit the vital statistics records to the state registrar, it allows them ten extra days in which to submit that material. They do have a problem because of the location of the hospitals. In the larger communities the hospitals, of course, are late often in submitting to the municipal clerks the records of the births and deaths, and of course the larger communities have more of the marriage certificates to submit as well.

There is really no good reason given from the state registrar's office. When asked if they were interested in talking to the federal government about extending their own time, they said they were not interested, even though it is within their power to attempt to renegotiate the time for submission of these materials to the federal government. It seems to me this is government by bureaucracy and bureaucrats.

This change the original bill. It still requires most towns to submit the material by the 15th day of the month, and yet allows the large towns, three of them, Bangor, Portland and Lewiston, which have the particular problems, the extra days so that they will not be in constant violation of the law.

I hope you would adopt the amendment and vote for the bill, and defeat the motion to indefinitely postpone. Thank you, Mr. President.

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

Mr. HICHENS: Mr. President, as stated yesterday, the majority of the Committee on Health and Institutional Services passed out a report of ought not to pass on the assumption that either the bill or the amendment to the bill would put considerable pressure on the Bureau of Vital Statistics. We are just taking the pressure off three cities in the state and passing it on to the state agency.

We were told in committee that if they came in that late, near the end of the month, in order to meet the federal regulations that they would have to hire extra help, which would call for more monies from our state. At this time I don't think we should grant the privilege to just three cities who aren't going to find it any easier to get them in by the 25th of the month than they are the 15th of the month. There are just so many statistics they will have to report by the 15th, and they will have them for the next month as they come along. So I see no need for this bill, along with the ten members of the committee who went along with me.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: Very briefly, there was no mention by the registrar at the hearing of any necessity for any appropriation. There was testimony by the person from the registrar's office that they did not begin to work on this material until the 25th of the month, which is the date on which these cities have to submit the material. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Hichens, that Item 7-16, L. D. 1099, and all its accompanying papers be indefinitely postponed. Will all those Senators in favor of indefinite postponement please rise in their places until counted.

A division was had. Six having voted in

the affirmative, and 26 having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

Bill, "An Act Relating to Utility Deposit Practices." (S. P. 358) (L. D. 1162)

Which was Read a Second Time.

Mr. Cianchette of Somerset then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-167, was Read.

Thereupon, on motion by Mr. Graham of Cumberland, tabled and Tomorrow assigned, pending Adoption of Senate Amendment "A".

Bill, "An Act Providing that Spousal Consent to Voluntary Sterilization Procedure is not Required." (S. P. 485) (L. D. 1615)

Which was Read a Second Time.

Mr. Trotzky of Penobscot then moved that the bill be indefinitely postponed.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Member of the Senate: First of all, in reading this bill, I find it extremely objectionable. What this bill does is state that a hospital or person performing a sterilization shall not be required to get the consent of the spouse for such operation.

Now, one enters into marriage, I gather, for love possibly, companionship, but also I think most of us ventured into marriage for one reason, the procreation of children. Now, this is somewhat a contract, I believe, marriage, and when one spouse decides that they want to be sterilized without the consent of the other, I feel that this is a breach of that contract. So maybe I don't understand this bill, but I find it extremely objectionable and do move its indefinite postponement.

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

Mr. HUBER: Mr. President and Members of the Senate: This bill addresses the problem of guidelines adopted by some few hospitals requiring consent of the spouse to sterilization procedures: this is a special requirement concerning this procedure not required in other surgical procedures. In most instances there is no problem, but in very rare instances there is a problem where spousal consent is impossible to obtain.

Really, I think the question is: does a husband have a right to inflict an unwanted pregnancy on his spouse who does not want this pregnancy. I think this is an argument which has been settled in courts in a number of states in favor of the position that the spousal consent is not required. I hope we will reject this male chauvinist argument and pass this bill.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I can present another argument for this. Assuming, you know, with family planning a couple has two children, and then the female or the male gets sterilized without consent, and then there is an accident and the two children are killed in the accident, isn't there the right because of that marriage to bear other children? The sterilization cuts off any possibility of any more children in that marriage, and I think that this should require the consent of both spouses.

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

Mr. HUBER: Mr. President and Members of the Senate: I would simply reply that physicians are very careful to explain the consequences of sterilization procedures to make certain that consent to these procedures is informed. I don't think that this is a problem.

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

Mr. BERRY: Mr. President and Members of the Senate: I don't see in looking the bill over chauvinism, either male or female. I do see the right of choice. I could visualize situations where it would be quite important to have a law like this on the books. For instance, if the health of one of the partners were involved and the other either was unavailable, disappeared for many years, or for some reason just adamantly refused to give consent, the health of the person desiring this treatment should not be impaired. I think very basically this is a freedom bill and I hope we would pass it.

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

Mr. CURTIS: Mr. President, I would like to pose a question to anybody who might care to answer. The question is this: if the bill fails of enactment, are those hospitals which now do not require spousal consent then required to obtain it?

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I would simply reply, not as a lawyer, but the defeat of this legislation would simply leave vague a problem in rare instances. I think we should clarify this. I hope the motion to indefinitely postpone this bill is defeated and that it will go on to passage.

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

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

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

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Trotzky, that Item 7-19, L. D. 1615, and all its accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Conley, Curtis, Cyr, Danton, Gahagan, Graffam, Hichens, Marcotte, O'Leary, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, R.; Cianchette, Clifford, Collins, Corson, Cummings, Graham, Greeley, Huber, Jackson, Johnston, Katz, Merrill, Pray, Reeves, Roberts.

ABSENT: Senator McNally.

A roll call was had. 15 Senators having

voted in the affirmative, and 16 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Thereupon, the Bill was Passed to be Engrossed.

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

Mr. HUBER: Mr. President, I move that the Senate reconsider its action on L. D. 1615, and hope you will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby Item 7-19 was passed to be engrossed.

The Chair will order a division. Will those Senators in favor of reconsideration please rise in their places until counted.

A division was had. 15 having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act to Require the Owners of Foster Homes and of Nursing Institutions to Account for Funds Belonging to Persons Entrusted to their Care." (S. P. 81) (L. D. 254)

Bill, "An Act Relating to State Employees Serving in Acting Capacities." (S. P. 119) (L. D. 384)

Bill, "An Act Providing Funds for Bancroft School Facility for Seriously Disturbed Children at Owls Head." (S. P. 280) (L. D. 992)

Bill, "An Act to Create a Commission to Prepare a Revision of the Eminent Domain Statutes." (S. P. 426) (L. D. 1392)

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:

Indefinitely Postponed

An Act to Restrict Armed Forces Preferences in State Employment to Veterans Who Were Not Career Officers or Career Enlisted Personnel and to Remove a Barrier to Affirmative Action Programs. (H. P. 1491) (L. D. 1739)

Comes from the House, Indefinitely Postponed.

On motion by Mr. Katz of Kennebec, tabled and Specially Assigned for May 23, 1975, pending Enactment.

Reconsidered Matter

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

Mr. KATZ: Mr. President, is the Senate in possession of L.D. 1341, An Act to Authorize the Self Liquidating Bond Issue in the Amount of \$900,000 for Renovations of Housing Facilities at the University of Maine?

The PRESIDENT: The Chair would answer in the affirmative, the bill having been held at the request of the Senator.

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to Reconsider its prior action whereby the Bill was Passed to be Enacted.

The PRESIDENT: The Chair recognizes that Senator.

Mr. KATZ: Mr. President, I now move that to permit some procedural changes within the bill, that under suspension of the rules this bill be sent to the engrossing department.

The PRESIDENT: The Senator from

Kennebec, Senator Katz, moves that under suspension of the rules, L.D. 1341 be resubmitted to the engrossing department. Is this the pleasure of the Senate?

The motion prevailed.

Orders of the Day

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

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

Tabled — May 14, 1975 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

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

Mr. CURTIS: Mr. President, because a legal question has arisen regarding this bill, I have written to the Attorney General asking for an opinion on the matter. As that answer has not been received, I ask that somebody table this until Friday.

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

Thereupon, on motion by Mr. Speers of Kennebec, retabled and Specially Assigned for May 23, 1975, pending Passage to be Engrossed.

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

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

Tabled — May 15, 1975 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

(In the House — Passage to be Engrossed as amended by Committee Amendment "A" (H-285).)

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

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

Mr. REEVES: Mr. President, there are some amendments being prepared at this time for this bill, and there is another bill that we considered earlier in the day, all concerning this same law, and I wondered if we could table this for at least one day so we could consider all these bills at the same time.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the third 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 15, 1975 by Senator Pray of Penobscot.

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)

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

Senate Amendment "A", Filing No. S-166, 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 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 15, 1975 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

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

On motion by Mr. Cianchette of Somerset, the Senate voted to reconsider its prior action whereby Committee Amendment "A" was Adopted and, on further motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-162, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — May 15, 1975 by Senator Speers 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)

(In the Senate — Senate Receded and Concurred; subsequently action was reconsidered and Senate receded from Passage to be Engrossed)

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

Mr. CONLEY: Mr. President and Members of the Senate: I believe there is a tremendous amount of confusion relating to this item, and at this time, Mr. President, I would ask leave to withdraw my motion to indefinitely postpone.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests permission of the Senate to withdraw his motion to indefinitely postpone this bill. Is this the pleasure of the Senate? It is a vote.

House Amendment "A", as Amended, was Read and House Amendment "C" to House Amendment "A" was Read.

On motion by Mr. Conley of Cumberland, House Amendment "C" to House Amendment "A" was Indefinitely Postponed.

Thereupon, on further motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Adoption of House Amendment "A".

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

House Reports — from the Committee on Legal Affairs — Bill, "An Act Amending Certain Laws Relating to Games of Chance." (H. P. 483) (L. D. 602) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-279); Minority Report — Ought to Pass as

Amended by Committee Amendment "B" (H-280).

Tabled — May 16, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-279).

On motion by Mr. Corson of Somerset, 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 and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

HOUSE REPORTS — from the Committee on Fisheries and Wildlife — Bill, "An Act to Permit Hunting with Muzzle-loading Rifle." (H. P. 311) (L. D. 374) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-276)

Tabled — May 16, 1975 by Senator Speers of Kennebec.

Pending — Motion of senator Pray of Penobscot to Accept the Majority Ought Not to Pass Report.

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

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

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on State Government — Bill, "An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules." (H. P. 1379) (L.D. 1775) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

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

Pending — Acceptance of Either Report.

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-363.)

Mr. Wyman of Washington then moved that the Senate accept the Minority Ought to Pass Report of the Committee.

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

Mr. CURTIS: Mr. President, when the vote is taken I ask for a division. I hope we defeat the pending motion.

I would explain that the State Government Committee is the committee which reviewed L. D. 1775, a bill the goals of which I am sure we would all agree with. Rather than try to get into a series of different bills, and I will read them to you, in great depth, the State Government Committee suggested and there is pending on the Senate table now a joint order for a study of the entire administrative code. Now, the bills which we recommended ought to be included in such a comprehensive study are the following:

L. D. 910, An Act to Require that Magnetic Tape Recordings be Made of all Public Deliberations of Appointive Boards and Commissions.

L. D. 1022, An Act to Make Administrative Regulations Available to the Public.

L. D. 1082, An Act to Require Review of Proposed State Regulations by Local Units of Government.

The one that we are considering now, L. D. 1775, An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules.

And finally, L. D. 1784, An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules, which is almost an identical bill.

At the public hearing we were confronted by an opportunity proposed by a combination of the Maine Bar Association, which has an administrative law section, and the interests of the Attorney General's Office, represented by Mr. John Paterson, and shown a full proposed recodification of the administrative law section, which appears now in our revised statutes in Title 5. They put a lot of work into this entire area and it seemed to us, or at least the majority of the State Government Committee, that the sensible thing to do was to try to analyze the entire problem as a whole and to come forth in the special session of the legislature with a full recodification, something that would take into consideration all of the proposals that were made, and come forth with a bill which would revise the administrative code in such a way that some of the same goals desired by the sponsors of L. D. 1775 would be provided.

Now, there is such a draft administrative act, and I would be happy to share it with anybody. It is extensive. And like I said, rather than try to legislate piecemeal, it seemed to us the most sensible way to proceed in this entire matter was to take a comprehensive look at the entire area.

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

Mr. WYMAN: Mr. President and Members of the Senate: This is a simple bill. It simply provides for more open government, and that is what we are talking about all the time. It provides for a greater measure of open government and would insure some public participation in the promulgation of rules and regulations by the different state agencies. We all know the problems that we now have today of people being hauled into court because they have violated some rule or regulation. If there is one thing that is needed and needed now, it is some public input to our rules and regulations that are flowing out of this bureaucracy here in the state capital complex by the hundreds every week, and that is all this bill would do.

A short time ago it was stated on this floor that we are having government by bureaucracy, and that is what we don't want. So many times, we have seen rules and regulations promulgated that would not go along with the same ideas as the sponsors of the bills, or their intent. Many times we do not know about regulations until we have had a notice that we are not within the law. To repeat, the intent of so many bills has been changed by rules and regulations. Actually we have gone a long way toward creating a government by bureaucracy. How far do we go in transferring our power to agencies and commissions of state government.

Right now, we have a bill before our committee regarding ambulance personnel and emergency medical technicians. It is clear to some members of the committee and the people who sponsored this particular bill that it looks

like the Department of Health and Welfare has overstepped its bounds in promulgating the rules and regulations as it relates to emergency medical technicians. If we do not believe this is an important piece of legislation, wait until we go home this summer after we have adjourned and find some of our voters coming to us and saying, "Why did you pass this law"? This is happening all the time. Then they would really have us over the barrel and when we go back to find out what we can do about it, we find there is nothing we can do because we have given the right to some agency to make these regulations without any sort of reviewing.

This is the proper thing for us to do and do it now. To be able to say to our citizens that they do have some citizen participation in the rules and regulations that are governing their lives.

This measure before us now deals with the whole issue, and if it is sound I hope you will support the Minority Report. I think that we can study this afterwards and when we come back another session if it needs some amendments then we can change it. But I think the time is right now to step in and show the bureaucracies that we do want some input and some notice of what they are doing. I hope you will support the Ought to Pass Report.

The PRESIDENT: The pending question is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Minority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

A division has been requested. 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. 18 having voted in the affirmative, and eight having voted in the negative, the Minority Ought to Pass Report of the Committee was accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

SENATE REPORTS — from the Committee on Marine Resources — Bill, "An Act Relating to the Sale of Crawfish." (S. P. 104) (L. D. 359) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (S-154).

Tabled — May 16, 1975 by Senator Speers of Kennebec.

Pending — Motion of Senator Reeves of Kennebec to Accept the Majority Ought Not to Pass Report.

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

Mr. BERRY: Mr. President and Members of the Senate: I would like to explain the committee report insofar as I am concerned. I think that this bill was intimately tied with all the legislation which the legislature has considered in connection with the lobster industry problems. Serious efforts have been made by the Marine Resources Commission to attempt to solve the problem of overfishing in the lobster business, to get the lobstermen to cooperate in conservation measures, such as trap limitation, license fee increases, and all the other many good things that probably

need to be done but may be somewhat unpalatable to the lobsterman. As I indicated in previous debate on the lobster bill, it has been totally impossible to get the lobstermen to work together for their own good.

Where does this bill come in? This bill comes in because it permits the sale in Maine of a marine product of the same general nature as hardshell fish product such as crab, shrimp and lobster. This product would be available in the State of Maine at a price approximately one-third that of lobster meat. And it appears to me to be indeed a very curious situation when we are prohibiting by law the right of anybody in Maine to dine on a particular specie of marine products. I think this, tied in with the inability of the lobster industry to regulate itself, indicates that this restrictive legislation should be removed from the books.

I think this would cause absolutely no inconvenience to the very high price of lobster. Those who want it still will be paying \$15 a pound for it, but the public may well be much better served by having the alternative option of purchasing lobster tails. So I hope you would support the minority report by voting against acceptance of the majority committee report.

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

Mr. REEVES: Mr. President, in my opinion and the opinion of the majority of the Marine Resources Committee, this bill is a wicked attempt to set aside a law passed in the last session that was enacted to protect this precious resource, the lobster.

The last session enacted a bill which allowed the sale of crawfish, but there were strict provisions included in the bill pertaining to the handling of the crawfish, and these provisions were similar to the handling of lobsters being taken out of the shell before being used. The amended bill before the legislature now completely negates sufficient controls in the handling of crawfish and allows for the possibility of short lobsters being used as a substitute for crawfish. The use of short lobsters and the lack of proper handling procedures pose a serious conservation threat to the lobster resource.

Now, the sponsor of this bill has asked for an opinion from the Attorney General on whether or not the bill in the last session was constitutional, and I would like to just read one short paragraph from that letter from the Attorney General.

"It is our understanding that once crawfish meat has been removed from the shell it is virtually indistinguishable from lobster meat. It is the purpose of the foregoing provision to ensure that the short lobsters will not be marketed in the state under the claim that it is crawfish, and the provisions are, therefore, in furtherance of state conservation measures regarding the harvesting and sale of lobsters. Acts of the legislature are entitled to a strong presumption of constitutionality. In view of the preceding discussion, it is my opinion that the sections in question are designed to accomplish a valid constitutional purpose."

Now, why is this bill before us, and what are the special interests involved? This I have not been able to determine. Are they restaurants, wholesalers?

The sponsor has also asked what if Florida were to ban lobsters from Maine? I think that his question is put aside by the

opinion of the Attorney General and the fact that we don't try to sell Maine oranges in Florida.

I have checked over the weekend with many lobstermen in my district, and I believe I speak for all the fishermen when I oppose this bill. So I hope you will vote for the majority report, ought not to pass.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Reeves, that the Senate accept the Majority Ought Not to Pass report.

The Chair will order a division. Will all those Senators in favor of the motion to accept the Majority Ought Not to Pass Report please rise in their places until counted.

A division was had. 13 having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

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

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

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

Tabled — May 19, 1975 by Senator Wyman of Washington.

Pending — Motion by the same Senator to Insist and Ask for a Second Committee of Conference.

(In the House — Passed to be Enacted.)
(In the Senate — Failed of Enactment.)
(Comes from the House, that Body having Insisted.)

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

Mr. GRAHAM: Mr. President and Members of the Senate: I rise to oppose this motion by the good Senator from Washington, Senator Wyman, and if this motion is defeated, I would then favor a motion to adhere.

Need we take up this bill once more? We have traveled down this road every time in the Senate and every vote has been in the negative, the last time by 28 to 0. It would grant property tax exemptions to property leased by community mental health centers. They already have the exemption for property they own.

We oppose this bill for two main reasons. We would be nibbling away at the tax structure. By granting one more exemption we would be imposing additional exemptions on other members of the community.

The second reason, which I will describe briefly, and the major reason for opposing the bill, is the structure of the community mental health centers. I greatly admire their work, and I shrink from opposing them in anything, so why do I? Because although about 80 percent of the money they spend comes from the taxpayer, their accounting is not published. Indeed, they refuse to make their expenditures public. In other words, we are creating a sort of invisible layer of government. I urge you, therefore, let us not continue down the road of more tax exemptions and less public accountability. I urge you to defeat this motion.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator

Wyman, that the Senate insist and ask for a second committee of conference.

The Chair recognizes the Senator from Cumberland, Senator Graham.

On motion by Mr. Graham of Cumberland, a division was had. Six having voted in the affirmative, and 23 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

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

SENATE REPORTS — from the Committee on Judiciary — Bill, "An Act to Remove Invalidated Language Concerning Abortion from Maine Statutes." (S. P. 484) (L. D. 1614) **MAJORITY REPORT** — Ought Not to Pass; **MINORITY REPORT** — Ought to Pass.

Tabled — May 10, 1975 by Senator Conley of Cumberland.

Pending — Acceptance of Either Report.

Mr. Huber 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 Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I rise to oppose the motion and to explain, I think, why the majority of the Committee on Judiciary opposes this bill, L. D. 1614.

Maine has on its statutes a law which prohibits abortion except to save the life of the mother. That law has been on for many years and the legislature has resisted attempts to change that law.

In 1973 a Supreme Court decision was handed down, and concurred by seven members of the Supreme Court. The result of that opinion was a very controversial item, and what could be called a shocking opinion in its result and its legal logic which lead them to conclude essentially that an unborn child was not a person entitled to constitutional protection, and in fact that a person, in order to be entitled to constitutional protection, had to be viable, whatever that means.

I think that reading that decision, and reading legal scholars talking and writing about that decision, brings to mind the last century's Dred Scott decision which said that a slave was not a person entitled to constitutional protection under the U.S. Constitution. I think the country is not quite over the shock of that opinion and, of course, Maine as a State previously had rejected any attempts to change its abortion law. The law remains on the books, it is unenforced, but of no harm and no threat to any person.

Now, in the country there is a great debate which is going on, specifically in Congress of the United States, to amend the Constitution to give protection to persons who are unable to care for themselves, whether they be the born or the unborn. That constitutional process to reverse the decision of the Supreme Court will take several years. I think at the very least until that process is over the Maine Legislature should not take the specific positive action of striking from the books of the Maine statutes our present abortion law. That law remains on our books and it shows that the citizens of Maine have respect for life, born or unborn, viable or unviable.

I guess there is not much that we can do as Maine legislators about the seven men on the court, but I think what we can do is reject this specific and positive attempt to wipe from our books a law which shows

Maine citizens still have respect for life of Maine citizens, whether they are born or unborn.

I hope that you would oppose the motion of the good Senator from Cumberland, Senator Huber. When the vote is taken, Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: I too concur wholeheartedly with what the Senator Clifford said. I would like to add just a little something here, that a defeat of L. D. 1614 would indicate that the people and their elected officials feel that this important life issue should remain in the hands of the people, rather than having the court act as a super legislature.

As I understand it, the law that we have now on the books does not do anything for anyone, it doesn't hurt anyone, and I think we should leave it there. I respectfully urge you to defeat the motion.

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

Mr. HUBER: Mr. President and Members of the Senate: As has already been said, title 17, section 51, Maine's invalid abortion law, was ruled invalid in February of 1973 when the court ruled that this legislation is void and unenforceable under the 14th amendment following the Supreme Court decisions.

The court further ruled, and I quote: "The above-mentioned abortion statute in the State of Maine is declared to be unconstitutional and void in its entirety, and that it is wholly unenforceable." This bill, L. D. 1614, would simply remove this invalid language from the Maine statutes.

Because of the emotional nature of the subject, I presented this separate bill rather than suggesting to the Judiciary Committee that this be taken care of in their errors and inconsistencies omnibus bill.

To summarize, this bill only repeals language ruled to be void in its entirety, and nothing more.

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

Mr. COLLINS: Mr. President and Members of the Senate: I support the motion of the Senator from Cumberland, Senator Huber, I do not like the idea that a court should act as a super legislature, but when we serve in this body we take an oath to uphold and support the Constitution of the United States. That constitutional law has been determined for us, and I see no point in keeping on our statute books language which has clearly been invalidated.

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

Mr. CONLEY: Mr. President and Members of the Senate: I hope the Senate would vote against the motion of the good Senator from Cumberland, Senator Huber, to accept the Minority Ought to Pass Report. I believe the previous session of the legislature, the 106th, memorialized Congress as to the concern of Maine citizens dealing with the subject of abortion.

I can acknowledge the words of the good Senator from Knox, Senator Collins, in respect to court decisions, however, I believe very strongly that there are thousands of Maine citizens who were deeply shocked at the decision and have a great deal of concern to have it

overturned. There are literally hundreds of nurses within this state who are petitioning the legislature to again defeat this particular bill, as well as hundreds of physicians throughout the state. I can see no good at all that will come by the repeal of this language within the statutes. Therefore, I hope the Senate would vote to defeat this measure.

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

Mr. HICHENS: Mr. President and Members of the Senate: I appeared before the Judiciary Committee earlier in the session on a bill and the legality of that bill was questioned. I was told by the members of the committee that whenever there was any question as to the legality of a bill that it came out Ought Not to Pass. But here we have the Majority of the Committee coming out with an Ought Not to Pass Report and yet the Chairman of the Judiciary Committee, even though the Supreme Court has made a decision, does not question the legality. I do not see the reasoning of the committee but I do go along with the Majority Ought Not to Pass Report, and I would read a statement which has been given to me signed by 42 clergymen, which represents a great many clergymen throughout the state and expresses my own sentiments.

"Once again we ask you not to forget that the ministers and rabbis in the State of Maine have a great interest in what you will debate here today. The Supreme Court, aside from its having nullified God-given right to life of a whole class of human beings, has contributed immeasurably to the already waning power of conscientious action in America. As men of God, we believe and feel compelled to tell you that all Americans are less human for what the Supreme Court has done.

"We hereby implore you to vote no to L. D. 1614 which calls attention to and makes special and extraordinary this most inhuman action. We have what is repugnant to our sensibilities forced upon us as one thing, but to actively sanction abortion by legislation which indicates compliance with an intolerable decision is not worthy of our state. Abortion does to the defenseless what the strong would not have done, takes human life."

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to make a couple of points in regard to my signing the Ought Not to Pass Report on this bill. I would like to say, first of all, that the Judiciary Committee had a chance to look at a bill in this session that would have removed welfare money payments from being used in any situation to pay for abortions. We received an opinion from the Attorney General that that would not be constitutional and, therefore, it received a unanimous Ought Not to Pass Report out of the Judiciary Committee.

I believe that the bill before us is a symbolic one. I think that is why it was put in, to make a symbolic statement, and I think that is why it is opposed, and I know that is why I oppose it. The law is not enforced, and as long as the Supreme Court decision is in effect it should not be. We should uphold the constitution.

Personally, I do not believe that the case decided by the Supreme Court and subsequent cases on the subject of abortion will stand the test of time. I think if there is any classic area where the people's

representatives should decide questions, if is in the question of what is life and what will be protected as life. I think that is our duty and we shouldn't shrink from it, and we should be anxious to do it.

Therefore, I am opposed to removing this because I believe that it is an important statement for this legislature to make that we don't agree with the Supreme Court decision, and that we anticipate the decision will be eroded and changed with test cases that will come before the Court in years to come.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins:

Mr. COLLINS: Mr. President and Members of the Senate: I only want the record to show that the good Senator from York, Senator Hichens, has incorrectly interpreted the position of the Chairman of the Judiciary Committee on unconstitutional matters. I have consistently voted and still will vote against matters that appear to me to be clearly unconstitutional. I will readily admit this is not always a clear matter, but in this matter it seems to me clear and I am trying to be consistent with my stand in other cases.

The PRESIDENT: Is the Senate ready for the question? 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 Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I think it is important to keep in mind that this matter is still in a state of legal turmoil. As the Senator from Cumberland, Senator Merrill, mentioned, there are court cases pending which attempt to overturn this decision, and of course there is a very serious and substantial effort going on in the Congress to report out an amendment which would reverse the shocking effects of this decision.

I think a vote in favor of this bill is really not just a vote to clean up the statutes. It is a vote which is similar to a procedural device which we have. I think we would be saying, in effect, that we recede and concur with the decision of the Supreme Court, so I hope that you would oppose the motion and indicate that we do not in fact recede and concur with that decision. Thank you, Mr. President.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Huber, that the Senate accept the Minority Ought to Pass Report of the Committee. A roll call has been ordered. A "Yes" vote will be in favor of accepting the minority Ought to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

Roll Call

YEAS: Senators — R. Berry; Collins, Corson, Cummings, Curtis, Graham, Huber, Jackson, Reeves, Roberts, Trozky, Wyman.

NAYS: Senators — E. Berry; Carboneau, Cianchette, Clifford, Conley, Cyr, Danton, Gahagan, Graffam, Greeley, Hichens, Johnston, Katz, Marcotte, McNally, Merrill, O'Leary, Pray, Speers, Thomas.

A roll call was had. 12 Senators having voted in the affirmative, and 20 Senators

having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

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

Bill, "An Act to Allow Certain Nonprofit, Volunteer and Educational Organizations to Operate Games of Chance without a License from the Maine State Police." (H. P. 316) (L. D. 394)

Tabled — May 19, 1975 by Senator Hichens of York.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-269).)

(In the Senate — Committee Amendment "A", adopted, in concurrence.)

On motion by Mr. Corson of Somerset, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-168, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted.

Mr. Hichens of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-171, was Read.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: As I read Senate Amendment "A", it really destroys the purpose of the bill. The Legal Affairs Committee worked long and hard at streamlining and straightening out some of the errors, inconsistencies and language in these laws. It also took care of a situation that very typically happened with my daughter, who is a senior in high school, where they wanted to have a raffle to help pay for their caps and gowns, whatever they do for some money. She asked me, after finding out that they have to go to the state police to get a permit to have this raffle, she asked, "Why, Dad?" Well, it is a little bit embarrassing because there is no good answer why they should do that.

This bill, L. D. 394, takes care of that situation and it exempts non-profit organizations listed like this: "Any bona fide, nonprofit, charitable, educational, political, civic, recreational, fraternal, patriotic, or religious organization or any auxiliary of that organization," are exempt from getting permits from the State Police to hold these raffles.

I think it is a little bit ridiculous to have a law on the books down here that says that the ladies auxiliary, if they want to raffle off a pillow case, that they have got to come to the state police and get a permit to raffle this off. I don't think that is the intent of the law, I don't think that is the intent of the Legislature, but it is the intent of this amendment that we are facing now. I strongly suggest and solicit your help in defeating this amendment.

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

Mr. HICHENS: Mr. President and Members of the Senate: Three years ago a

bill was passed allowing open gambling in the State of Maine. In the special session a new law was written up and passed, and the State Department of Public Safety states that the present law is working very well. L. D. 394 changes that law again, and this amendment prepared by the state police and the Attorney General's Office attempts to keep raffles controlled. The statement of fact states that this amendment deletes the present material of the bill and would allow nonprofit organizations to conduct a raffle, such as just was suggested by the good Senator, but without obtaining a license or paying a fee when the raffle is conducted on one day only and at one location only. I hope you will accept the amendment.

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

Mr. DANTON: Mr. President and Members of the Senate: I think we are making a real complicated bill out of this. Like the good Senator Cianchette earlier said, it is to allow for any bona fide, nonprofit, charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization or any auxiliary of that organization to have a raffle. The original bill called for games of chance. That has been taken out.

What they are asking for in this bill — and what the amendment does really ruins the bill — is that if some organization wanted to have a raffle to raise some money to paint the interior or exterior of a building the would meet, say, the 15th of the month, and say well, let's have a raffle, and we will go out and sell the tickets, and two months from now we will pull the winning number, and whoever wins will win an electric clock. Meanwhile they have raised enough money to paint the building either inside or outside.

What Senator Hichens' amendment does, it would allow for that raffle to be held on that day, which would not give the organization any time to sell tickets to raise money. I think most of us, I am sure, belong either to veterans organizations or civic organizations and the churches, and this is nothing new. All it allows is for these organizations and which it has right in the bill "nonprofit organizations", to hold a raffle to raise some money for whatever their project might be.

I think this amendment should be defeated because it really is impossible — and most of you know that that belong to organizations, that you are lucky if you get a handful of people at a lot of these meetings — to hold a raffle that day and raise any kind of money. I hope that you would defeat this amendment.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am going to vote to defeat this amendment, and there is one reason: I met a good friend of mine the other day. I hadn't seen in some time, and he asked me what we were doing up here in the legislature that would help anybody, and I had to think for a while. One of the things that I would like to be able to say is answer to that question is that we are taking some of the minor, petty, bureaucratic interference in people's lives away.

People have to get a permit now to almost turn around in the street, and I can't see any justifying reason to make the volunteer firemen to go to the state to get a permit if they want to raffle off a cigarette lighter so that they can put a new oxygen tank in their ambulance. I think that this type of bureaucratic interference in

people's lives just disgusts people with government, and the serious efforts we make to regulate important conduct are thereby diminished. I would hope that we could defeat this amendment and take this one small step to get the state's interfering hand out of these petty matters.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate adopt Senate Amendment "A" to L. D. 394.

The Chair will order a division. Will all those Senators in favor of adopting Senate Amendment "A" please rise in their places until counted.

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

Thereupon, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

House Report — Bill, "An Act to Authorize the Town of St. George to Hold a Special Town Meeting in May, 1975, to Vote on Certain Local Option Questions Concerning the Sale of Liquor." (H. P. 1564) (L. D. 1872) Ought to Pass as Amended by Committee Amendment "A" (H-361).

Tabled — May 19, 1975 by Senator Hichens of York.

Pending — Acceptance of Report.

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

On motion by Mr. Jackson of Cumberland, retabled and Specially Assigned for May 22, 1975, pending Acceptance of the Committee Report.

Reconsidered Matter

On motion by Mr. Huber of Cumberland, the Senate voted to reconsider its prior action whereby Bill, "An Act to Provide for the Transcription of Testimony Taken in the Investigation of Consumer Complaints in Order to Protect Constitutional Rights," (S. P. 339) (L. D. 1127), was Passed to be Enacted.

On further motion by the same Senator, placed on the Special Appropriations Table.

Papers from the House

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

House Paper

Bill, "An Act to Require the Payment of AFDC Benefits for Unborn Children." (H. P. 1608) (L. D. 1887)

Comes from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

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

Mr. BERRY: Mr. President and Members of the Senate: We have recently seen and heard considerably from one of our new department heads, and I fervently hope we are going to hear more — and I refer to Commissioner Smith — on the matter of many problems facing the Health and Welfare Department. These are problems that those of us who have been in the legislature for a long time have been concerned about, and frequently our concern has come back to one particular

point, that we need heading the department a man of courage and ability, a man with a lot of guts, a man with a lot of knowledge. Commissioner Smith has certainly verified and caused many of us to be very happy that this time has arrived with his assumption of office.

One of the things that he has done since assuming office is covered by this bill here. I would think that one of the best things this legislature could do to back up Commissioner Smith would be to turn down this bill. I am not appealing to you on any other grounds than this. He has said that it is not his province to indulge and engage in philosophy and to push causes; it is his province and his duty to administer his department. I find this an extremely refreshing viewpoint on the part of a department head.

I think here we have a very important subject. The Commissioner has said that he does not believe that he should be doing this and he has stopped it. If the legislature is going to now consider legislation like this, I think we are saying to Commissioner Smith and others of his very commendable type that, "No, we don't want you taking positions that may be unpopular; we want you to go along with the tide." If we are looking for another reason to turn this legislation down, its admission down, I would suggest very strongly that it be studied by the appropriate legislative committee. I would hope that we would vote against the admission of this bill, and I would urge you to support that viewpoint.

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

Mr. CONLEY: Mr. President, the reason for this particular bill being brought before this body today is a very interesting one. The state has for some time been paying mothers under ADC who are pregnant. The court has ruled that in any state where there is no mandatory language mothers who are pregnant may not necessarily have to be compensated unless there is statutory language mandating such.

The purpose of this bill is to get it before the Appropriations Committee to let them arrive at a sound decision. The state has for years adopted the policy of compensation pregnant women under the AFDC program. I think it is a very, very serious situation, and certainly one that should be given an opportunity for the public to have a hearing on. I hope that the Senate would vote to send this bill to the Appropriations Committee.

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

Mr. BERRY: Mr. President, I move that the bill and accompanying papers be indefinitely postponed. I do feel the answer to the problem is a proper and full and in-depth study of the matter, and that I would strongly support.

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

Mr. CONLEY: Mr. President, I, for one, as a member of this body, am not ready to turn over to the bureaucrats things that I feel that I have been sent here to take care of. I would hope that the Senate would object very strongly to the motion of the Senator from Cumberland, Senator Berry, as I stated, to allow this bill to have a public hearing and to allow the Appropriations Committee to make its sound decision.

The PRESIDENT: The Chair recognizes

the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, there was publicity in the press about this, and I can't for the life of me recall the cost of this program were it to have been included in the department budget. Through the Chair might I ask does somebody have any notion of the size of this figure?

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 Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I believe Commissioner Smith estimates the savings which would be redistributed on the basis of need to other AFDC recipients because of this decision would be in the neighborhood of \$300,000 of state funds, or roughly \$900,000 to a million dollars in total funding.

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

Mr. HICHENS: Mr. President, I rise to support the motion of the good Senator from Cumberland, Senator Berry. The Supreme Court of the United States has ruled that an unborn child to a certain stage of development isn't even a living person, and here we have a bill to require payments for what the Supreme Court of United States says isn't existing.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think that the issue before us should not be whether or not we want to make a decision on this bill now. It seems to me that the issue here is whether or not we have faith in the legislative process. This bill is only before us to be referred to a committee, as I understand it. That committee to which it is being referred has the expertise and the information relative to budgetary matters, and it seems to me before we do make a decision on this, which is an important consideration for a lot of people, that we should get the advice of the Committee on Appropriations and Financial Affairs.

I think it is a very rare occasion when we don't even give a bill a chance to be heard at a public hearing. I think that is what the legislative process is all about, and when you are voting for the motion to postpone you are in fact shutting out the right of the public to be heard on the bill, and you are thwarting the legislative process.

I would hope that we could send the bill to the committee and have the committee consider it. Of necessity, when they consider it, they would have to consider the cost involved and the merits of the bill, but it seems to me that this is very premature to make a decision at this time before the bill even has the opportunity for the public to be heard on it, especially in view of the fact that this is a procedure, the Commissioners decision is a procedure to reverse a longstanding policy of the state. I hope that you would defeat the motion to indefinitely postpone the bill.

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

Mr. CONLEY: Mr. President, because of the fact that I think this is of vital concern, when the vote is taken I ask for the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I follow with a great deal of interest the comments of Senator Clifford of Androscoggin that we should be following the legislative process. I commend to you questioning how much careful consideration of the legislative process is a bill going to get in this stage of the game when we are meeting twice a day and we are under the gun to try to rush to adjournment, and quite properly so. This is no time to be starting to advertise hearings and to start lobbying again on such an emotional issue as this is going to be. I think this matter should be very carefully considered, perhaps during the recess by the proper committee, and given their consideration and attention it needs.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I submit that any hearing it would get before a committee, no matter how pressed a committee was for time, would be a greater hearing than it would get if we indefinitely postponed this bill now.

Secondly, I would point out that one of the options of the Appropriations Committee would be to recommend that the bill be withdrawn and that the matter be studied. That is one of the options available to them, and they certainly have more information than we do concerning the budget of the State of Maine. Thank you, 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 pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that this bill be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators — R. Berry, Collins, Corson, Graffam, Greeley, Hichens, Jackson, Katz, McNally, O'Leary, Roberts, Thomas.

NAYS: Senators — E. Berry, Carbonneau, Cianchette, Clifford, Conley, Cummings, Curtis, Cyr, Danton, Gahagan, Graham, Huber, Marcotte, Merrill, Pray, Reeves, Speers, Trotzky, Wyman.

ABSENT: Senator — Johnson.

A roll call was had. 12 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in concurrence.

Senate Paper Education

Mr. Cianchette of Somerset presents, Bill, "An Act Relating to School Administrative District No. 53." (S.P. 526) (Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Education and Ordered Printed.

Which was referred to the Committee on Education and Ordered Printed.
Sent down for concurrence.

Reconsidered Matter

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

Mr. GRAHAM: Mr. President, having voted on the prevailing side; I move the Senate reconsider its action whereby on Bill, "An Act Granting a Property Tax Exemption for Property Leased by Community Mental Health Centers," (H. P. 480) (L. D. 599), the Senate voted to Adhere, and I urge you to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Graham, now moves that the Senate reconsider its action whereby on L. D. 599 the Senate adhered. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

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

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot, Adjourned until 10 o'clock tomorrow morning.