

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, May 22, 1975

Senate called to order by the President.
Prayer by Father Paul Pare of St. Augustine's Church, Augusta:

We come before you, Heavenly Father, conscious of our weakness and frailty. Send your Holy Spirit upon us, that He may enlighten our minds, penetrate our hearts, and guide our every action, for only with Your help will our work be pleasing to You and beneficial to the people we serve. Let not ignorance induce us to evil, let not flattery sway us from the truth, let not personal cares dominate our attention, and let not material interests corrupt us. O wise Father, you are the overseer of our intentions and the judge of our actions. Unite our hearts to You and do it strongly, so that with Your grace we may be one with You and may in nothing depart from the truth, and we ask this through Christ our Lord. Amen.

Reading of the Journal of yesterday.

The PRESIDENT: The Chair will ask the Sergeant-at-Arms to escort the Senator from Somerset, Senator Corson, to the rostrum where he will serve as President pro tem this morning.

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

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

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

In the Senate May 13, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (S-134).

Comes from the House, Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

On motion by Mr. Katz of Kennebec, Tabled and Specially Assigned for May 27, 1975, pending Consideration.

**Communications
STATE OF MAINE
House of Representatives
Augusta, Maine 04330**

May 21, 1975

Honorable Harry N. Starbranch
Secretary of the Senate
197th Legislature
Augusta, Maine

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "AN ACT Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registration" (H. P. 752) (L. D. 927):

- Rep. BERRY of Buxton
- Rep. BOUDREAU of Portland
- Rep. BIRT of East Millinocket

The Speaker also appointed the following conferees to the Committee of Conference on Bill, "AN ACT Designating Family Day Care as a Priority Social Service" (H. P. 1207) (L. D. 1500):

- Rep. ROLDE of York
- Rep. NAJARIAN of Portland
- Rep. McKERNAN of Bangor

Respectfully,
EDWIN H. PERT
Clerk of the House.

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Jackson of Cumberland,

WHEREAS, legislation has been proposed to phase out the present form of county government and to transfer its functions to other government units; and

WHEREAS, legislation has also been proposed to strengthen certain powers of county government so as to increase its effectiveness and responsiveness; and

WHEREAS, this proposed legislation has raised the issues of the proper role and authority, if any, of county government in this State, the functions and duties that might be performed on the county level, the compensation, methods of selection and terms of county officers and the authority of the State and manner of exercising it in relation to county government; and

WHEREAS, the Legislature feels these matters are deserving of additional study; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Local and County Government, to study the subject matter of the following bills:

"An Act Relating to the Powers of County Government," H. P. 980, L. D. 1243; "An Act Relating to County Home Rule Powers of the County Delegation," S. P. 398, L. D. 1307; and "An Act to Phase Out the Present Form of County Government, Transfer its Functions to other Government Units and to Direct the State's Advisory Commission on Intergovernmental Relations to Make Recommendations to the Special Session of the 107th Legislature," H. P. 1445, L. D. 1819, as introduced at the regular session of the 107th Legislature, and to study such other matters pertaining to county government as necessary, to determine whether or not the interests of the State would be served by the enactment of such bills or other legislation; and be it further

ORDERED, that for purposes of this study, the Committee on Local and County Government may conduct public hearings throughout the State in order to solicit and consider testimony for its study, and may, in addition, solicit and receive information from individuals and government units, including the several counties of the State; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and final drafts of necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted to said Legislative Council, the Joint Standing Committee on Local and County Government and each of the counties of this State, as notice of this directive. (S. P. 529)

Which was Read.

Mrs. Cummings of Penobscot then moved that the Order be tabled and Specially Assigned for May 27, 1975, pending Passage.

On motion by Mr. Jackson of Cumberland, a division was had. 13 having voted in the affirmative, and 11 having voted in the negative, the motion prevailed.

On motion by Mr. Johnston of Aroostook,

WHEREAS, the regulation of Maine's potato industry is of great importance to the people of Maine; and

WHEREAS, one of the most important means of regulating the potato industry is the licensing and bonding statutes concerning potatoes; and

WHEREAS, there is some current dissatisfaction with the present licensing and bonding laws, a dissatisfaction which has led to the introduction of legislation to amend those statutes; and

WHEREAS, it is the feeling of the Legislature that the importance of those statutes and the complexity of the problem they address demand careful study of such amending legislation and require the considered comments of potato processors, potato growers and concerned citizens; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Agriculture, to study the subject matter and implications of Legislative Document No. 967, House Paper No. 794 and to seek the comments of potato processors, potato growers and Maine citizens concerning this legislation and concerning any needed changes in the licensing and bonding statutes concerning potatoes; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (S. P. 530)

Which was Read.

Mr. Cyr of Aroostook then moved that the Order be tabled, pending Passage, and Mr. Johnston of Aroostook subsequently requested a division.

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Passage.

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

Mr. REEVES: Mr. President, some weeks ago, at the request of a constituent, I raised an issue of government accountability concerning a contract to the Honeywell Corporation for a heating control computer system. At that time I reported on a \$39,000 contract that was awarded to the highest bidder, Honeywell, which had also drawn up the specifications, and that the man who approved this contract for the State of Maine now works for the company which got the contract, Honeywell. Finally, I said that although I did not believe any law had been violated, there were enough apparent conflicts and contentions by other computer companies to justify new bids. The state would lose nothing, and I asked only this.

The bureaucratic response I got to my request was business as usual. In fact, Mr. President, there was no response at all. There had been no response to my inquiry for three months before that. However, a public reaction prompted the Attorney General to investigate this matter. Since his investigation began, all work on this contract was discreetly stopped. This was a complete investigation by the staff of the Attorney General. It took six weeks. Copies of his report and its accompanying papers were issued to the press and

television and to the leadership. These papers are now available to anyone.

According to this report, each point I brought up in the Senate was confirmed by the Attorney General, except that my contract figure was too low. I had led the members of the Senate to believe that the official who now works for Honeywell had approved a recent contract for Honeywell for \$39,000. This was not quite so. Actually there had been two contracts for this control system.

Furthermore, not only were the bid specifications drawn by Honeywell, but the final contract as well. The first contract was signed on September 19, 1974 for \$78,792 and not for \$36,800, which was the final bid submitted by Honeywell. Then a second contract was signed on January 2, 1975 for — hold on — \$232,296. And why so much? This is a five-year lease. Then just one day later, January 3rd, the man who approved these contracts resigned from state government. The next day, January 4th, a Saturday, he signed an employment contract with Honeywell as a part-time consultant for \$15,000. This job had been discussed with Honeywell for over an 18-month period. The next week he was back as a representative of Honeywell working with his former subordinates. Presumably this new relationship will go on for the next five years.

Evidently this story sounded fishy to the Attorney General, because he suggested that we pass a law to prohibit state employees, and I quote, "from appearing before an agency regarding a contract or any other matter for a period of one year after termination if the matter was one which was under such employee's official responsibility within one year prior to termination."

After consulting with the legislative leadership, I have submitted this conflict of interest bill, and I hope we can consider this issue soon. It is an urgent matter of public confidence.

In addition, the Attorney General raised further questions about this contract in a letter to Finance Commissioner John O'Sullivan:

1. Did these contracts with Honeywell exceed the state debt limit as imposed by the Constitution?

2. Why didn't these two contracts provide safeguards for the state if the legislature doesn't appropriate the funds? Other contracts give Maine this protection.

Finally, the Attorney General reported that the Bureau of Public Improvements has requested an appropriation of \$142,700 for this Honeywell system. Additional requests are now being prepared.

In truth, Mr. President, nothing has changed since I first brought this matter before the Senate. I still believe it is in the best interest of the state to put this contract out to bid again, but who am I to ask such a thing? But I feel that unless new bids are forthcoming, when this appropriation comes before the Senate, I plan to introduce an amendment to demand new bids before a dollar is spent.

And when will this end? To quote again from the recent report of the Attorney General, "also BPI is engaged in negotiation which may lead to further contracts with Honeywell." Next time the state must be ready. We can avoid this in the future. We need to protect our interests in all negotiation with private contractors. Here are some suggestions:

1. Prohibit potential bidders from writing contract specifications.

2. Prohibit successful bidders from writing terms and form of final contracts.

3. Establish beforehand that long-term leases do not exceed constitutional debt limit or appropriation limits.

4. Provide constant overview of all such contracts with regular public reporting.

5. And require the Attorney General to look over all contracts over a certain amount. Incidentally, none of these Honeywell contracts were ever seen by the Attorney General.

Mr. President, thank you for this time.

Mr. Berry of Cumberland was granted unanimous consent to address the Senate.

Mr. BERRY: Mr. President and Members of the Senate: I had hoped that the response of Senator Reeves to the documentation received from the Attorney General's Office might have been in a little different vein than he gave it. I feel that his remarks have continued to cast aspersions on Maury Williams' part in this. And as was brought out by the report of the Attorney General, Mr. Williams in no way or spirit violated any law of the state. And I put emphasis on the word "spirit".

It is true that the federal government has a law on its books that certain types of people leaving government employ may not for a year thereafter be engaged in private industry where they have contacts with their former departments. The State of Maine does not have this. I am not, firmly convinced that such a law is necessary or even desirable upon the books of the state.

A careful perusal of the report of the Attorney General completely exonerates everybody and says that the procedures, which were followed are totally in compliance with the laws of the State of Maine. I think this should be emphasized and understood by everybody. The role of Mr. Williams in this transaction was purely that required by law, and whether his name had been Williams or something else, the action would probably have been the same.

The impetus for the concept of this surveillance system originated with the Cost Management Survey. It had the endorsement of Governor Curtis. The instructions were passed on to the department, and Mr. Williams passed them on to the Bureau of Public Improvements, so that Mr. Williams' participation in this was purely mechanical.

I regret very much that there has been this continued implication that there was something wrong involved here. The Attorney General, as I said, has completely exonerated everybody, and as a matter of fact, the only thing they have suggested, which is quite proper, is that all contracts be reviewed by their office. From my participation in the award of state business, from the viewpoint of a legislator, I feel that no contracts are awarded by the state these days that are not thoroughly reviewed from a legal standpoint. If the office of the Attorney General feels that there should be a more direct route physically through their office, I would heartily endorse this procedure. But I would point out that this is the only recommendation that came out of the survey, and I believe it in no way involves the problem of the award of the contract.

(Off Record Remarks)

Committee Reports House

Ought to Pass — As Amended

The Committee on State Government on Bill, "An Act to Create a Full-time Board of Environmental Protection." (H. P. 931) (L. D. 1175)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-365).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as Amended by House Amendment "A" (H-421) Thereto. Which report was Read.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I would like to speak to this bill as a brief explanation because it concerns other bills which are in the Natural Resources Committee. This bill really is mislabeled, "An Act to Create a Full-time Board of Environmental Protection". All this bill does is eliminate the special interest designations on the members of the Board of Environmental Protection.

Right now the law states that the Board consists of ten members, two of whom represent manufacturing interests, two of whom are representative of municipalities, two of whom represent the public generally, two of whom represent conservation interests, and two others knowledgeable in matters relating to air pollution.

It also states in this bill that members of the Board shall be chosen to represent the broadest possible interest and experience which can be brought to bear in the implementation of the law.

Now, we have before us in the Natural Resources Committee two bills: one which will attempt to put two labor people on the Board of Environmental Protection, another bill which wants to put a farmer on the Board of Environmental Protection, and then we have also a fisherman. This can keep on going forever with special interests, so I feel that it is in the best interests of the state that people not be designated as representing special interests but as representing the broadest possible experience that can be brought to bear on the environmental matters. So I hope that this bill will pass, and that when the other bills are reported out of committee they will be considered in relationship to this bill here. Thank you.

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

Mr. DANTON: Mr. President and Members of the Senate: As I read this bill, it is to create a full-time Board of Environmental Protection, and I see it has an appropriation on there which is not to exceed \$20,000 a year for every Board member. I think this bill should be explained a little further by some other committee member.

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

Mr. TROTZKY: Mr. President and Members of the Senate: If you read House Amendment H-365, it strikes out everything after the enacting clause and changes the name of the bill to "An Act to Change Provisions of the Law Relating to the Board of Environmental Protection". In other words, the title is very misleading.

There is an appropriation on here. It is a

small appropriation of \$6,700 for the first year of the biennium and \$9,000 for the second year, and all that is for is to raise the per diem pay from \$25 to \$40 per day.

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

Mr. Pray of Penobscot then moved that the Bill be tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Thereupon, on motion by Mr. Speers of Kennebec, a division was had, 16 having voted in the affirmative, and 12 having voted in the negative, the motion prevailed.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Exempt Federal and State Retirement Benefits from State Income Taxation." (H. P. 1404) (L. D. 1684)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
MERRILL of Cumberland
JACKSON of Cumberland

Representatives:

DRIGOTAS of Auburn
SUSI of Pittsfield
TWITCHELL of Norway
FINEMORE of Bridgewater
MORTON of Farmington
IMMONEN of West Paris
MAXWELL of Jay
DAM of Skowhegan

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

Signed:

Representatives:

COX of Brewer
MULKERN of Portland

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Relating to Retail Sale of Dessert Wine." (H. P. 1101) (L. D. 1397)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

LIZOTTE of Biddeford
DYER of South Portland
PIERCE of Waterville
TWITCHELL of Norway
PERKINS of Blue Hill
RAYMOND of Lewiston
IMMONEN of West Paris

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-379).

Signed:

Senators:

GRAFFAM of Cumberland
CARBONNEAU of Androscoggin
DANTON of York

Representatives:

JACQUES of Lewiston
FAUCHER of Solon
MAXWELL of Jay

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

Which reports were Read.

On motion by Mr. Graffam of Cumberland, the Bill and accompanying papers were Indefinitely Postponed in concurrence.

Divided Report

The Majority of the Committee on Energy on, Bill, "An Act to Preserve the Passamaquoddy-Cobscook Bay Tidal Potential for Generating Power by Moratorium on Incompatible Developments." (H. P. 1155) (L. D. 1449)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ROBERTS of York
TROTZKY of Penobscot
CIANCHETTE of Somerset

Representatives:

FARLEY of Biddeford
TORREY of Poland
BENNETT of Caribou
DURGIN of Kittery
JACKSON of Yarmouth
KELLEHER of Bangor
GREENLAW of Stonington
BYERS of Newcastle

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

Signed:

Representatives:

DAVIES of Orono
CONNOLLY of Portland

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

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

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Establishing the Lewiston-Auburn Airport Authority." (H. P. 247) (L. D. 274)

Reported that the same Ought Not to Pass.

Signed:

Senator:

McNALLY of Hancock

Representatives:

KAUFFMAN of Kittery
FRASER of Mexico
JACQUES of Lewiston
STROUT of Corinth
WEBBER of Belfast
JENSEN of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (H. P. 1580) (L. D. 1881)

Signed:

Senators:

GREELEY of Waldo
CYR of Arostook

Representatives:

LUNT of Presque Isle
ALBERT of Limestone
WINSHIP of Milo
BERRY of Madison

Comes from the House, the Minority report read and Accepted and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-433).

Which reports were Read.

Thereupon, on motion by Mr. Clifford of Androscoggin, the Minority Ought to Pass in New Draft 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.

**Senate
Leave to Withdraw**

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Providing for Rehabilitation Program Contract Completion as a Condition Precedent to Hearing before the State Parole Board." (S. P. 315) (L. D. 1092)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.
Sent down for concurrence.

Mr. Carbonneau for the Committee on Local and County Government on, Bill, "An Act Relating to County Home Rule Powers of the County Delegation." (S. P. 398) (L. D. 1307)

Reported that the same be granted Leave to Withdraw.

Which report was Read.

On motion by Mr. Jackson of Cumberland, tabled and Specially Assigned for May 28, 1975, pending Acceptance of the Committee Report.

Ought to Pass

Mr. Curtis for the Committee on State Government on, Bill, "An Act to Remove the Commissioner of the Department of Conservation from the Maine Land Use Regulation Commission." (S. P. 424) (L. D. 1390)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Merrill for the Committee on Judiciary on, Bill, "An Act to Clarify Laws Relating to Corporations." (S. P. 421) (L. D. 1388)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-180).

Mr. Graham for the Committee on State Government on, Bill, "An Act Relating to the Maine Law Enforcement Planning and Assistance Agency." (S. P. 173) (L. D. 553)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-182).

Mr. Curtis for the Committee on State Government on, Bill, "An Act Requiring that the Judicial Council Report to the Legislature." (S. P. 257) (L. D. 833)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-183).

Mr. Berry for the Committee on Marine Resources on, Bill, "An Act to Clarify the Laws Relating to Marine Resources." (S. P. 276) (L. D. 934)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-179).

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

Second Readers

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

House

Bill, "An Act to Clarify the Jurisdiction of the Juvenile Court in Matters Arising under the Boating Laws." (H. P. 948) (L. D. 1186)

Bill, An Act Concerning the Employee Uniform Requirements at the Maine State Prison and the Men's Correctional Center." (H. P. 1030) (L. D. 1521)

Bill, "An Act Converting Hamlin

Plantation into the Town of Hamlin." (H. P. 1502) (L. D. 1826)

Bill, "An Act to Validate Certain Acts of the Town Clerk of the Town of Brunswick." (H. P. 1507) (L. D. 1838)

Bill, "An Act to Amend Certain Procedures for Issuing Bonds under the Charter of the York Beach Village Corporation." (H. P. 1515) (L. D. 1841)

Bill, "An Act to Repeal the Act to Incorporate the Parsonsfield Kezar Falls Village Corporation in the Town of Parsonsfield." (H. P. 1534) (L. D. 1855)

Bill, "An Act to Extend the Provisions of the Energy Emergency Proclamation." (H. P. 1152) (L. D. 1446)

(On motion by Mr. Speers of Kennebec, Tabled and Specially Assigned for May 29, 1975, pending Passage to be Engrossed.)

Bill, "An Act Relating to the Officials, Judges and Starters at Harness Horse Race Meets." (H. P. 1256) (L. D. 1552)

Bill, "An Act Relating to Payments to Nursing Homes." (H. P. 1397) (L. D. 1715)

Which were Read a Second Time and, Except for the tabled matter, Passed to be Engrossed in concurrence.

Bill, "An Act to Exempt New Machinery, Equipment and Supplies Used in Agricultural Production from the Sales Tax." (H. P. 386) (L. D. 479)

Which was Read a Second Time.

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

Mr. KATZ: Mr. President, might I inquire of the Secretary whether this bill has been amended? As it originally was introduced, it had a price tag of 6.3 million dollars on it.

The PRESIDENT pro tem: The Chair will inform the Senator that this bill has not been amended.

Is it now the pleasure of the Senate that Bill, "An Act to Exempt New Machinery, Equipment and Supplies Used in Agricultural Production from the Sales Tax," be passed to be engrossed in concurrence?

It is a vote.

Bill, "An Act Concerning the Registration and Operation of Snowmobiles." (H. P. 845) (L. D. 1030)

Which was Read a Second Time.

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

Mr. PRAY: Mr. President and Members of the Senate: There should be an amendment forthcoming. I was just told it would be a few minutes, so I wish somebody would table this until later in today's session.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled until later in today's session, pending Passage to be Engrossed.

House - As Amended

Bill, "An Act Relating to Suspension of Employees of State Institutions with Pay Pending Disposition of Criminal Charges." (H. P. 266) (L. D. 313)

Bill, "An Act Relating to Absentee Balloting in Municipal Elections." (H. P. 562) (L. D. 701)

Bill, "An Act to Increase the Statutory Limitation on the Accumulation of Tax Revenues in the Maine Coastal Protection Fund to Ten Million Dollars." (H. P. 1126) (L. D. 1403)

Bill, "An Act Amending the Law

Regulating Municipal Debt." (H. P. 1184) (L. D. 1482)

Bill, "An Act Relating to Property Insurance under the Maine Consumer Credit Code." (H. P. 1201) (L. D. 1496)

Bill, "An Act Requiring Employers to Give Employees a Written Statement of the Reason for Termination of Employment." (H. P. 1167) (L. D. 1523)

Bill, "An Act to Provide for State Reimbursement of Local School Administrative Units which Send Pupils to Secondary Vocational Schools Located Outside of Maine." (H. P. 1213) (L. D. 1527)

Bill, "An Act Concerning the Income Requirements for Class A Restaurants under the Liquor Statutes." (H. P. 1296) (L. D. 1567)

Bill, "An Act Concerning Off-duty Court Appearances by State Police Officers." (H. P. 1387) (L. D. 1692)

Bill, "An Act Relating to Unlawful Discrimination in the Extension of Credit." (H. P. 337) (L. D. 420)

Bill, "An Act Creating the Maine Pesticide Control Act of 1975." (H. P. 653) (L. D. 826)

Bill, "An Act to Realign and Clarify Administrative Responsibilities in the Bureau of Banks and Banking and the Bureau of Consumer Protection." (H. P. 714) (L. D. 890)

Bill, "An Act to Provide for Specimen Ballots Written in the French Language." (H. P. 1132) (L. D. 1424)

Bill, "An Act Appropriating Funds to the Advisory Council on the Status of Women." (H. P. 1138) (L. D. 1432)

Bill, "An Act to Extend the Statute of Limitations on Claims under the Workmen's Compensation Statutes where Payments are Made on Account of Injury." (H. P. 1236) (L. D. 1541)

Bill, "An Act to Provide for Citizen Gardens on Suitable State Land." (H. P. 1294) (L. D. 1574)

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

Bill, "An Act to Authorize the Delegation by the Board of Environmental Protection of Certain Actions to the Department of Environmental Protection." (H. P. 958) (L. D. 1206)

Which was Read a Second Time.

On motion by Mr. Trotzky of Penobscot, the Senate voted to reconsider its prior 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-185, to Committee Amendment "A" was Read.

The President pro tem: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: This bill is one of the most important bills coming out of the Natural Resources Committee. The Department of Environmental Protection is aware of the many complaints coming in from all over the state because of its lack of speed in handling applications for Great Ponds permits. Under the present law, the Board of Environmental Protection, which meets every few weeks, has to approve very small changes in the shoreline, such as putting out docks, small repairs, and so on. What this bill does is allow the Board of Environmental Protection to delegate certain of its responsibilities for approving these smaller projects to its staff, and it is

hoped that this delegation of authority to the staff will speed up the processing of applications.

The Board of Environmental Protection has been holding hearings this week concerning all its hearing procedures, and so on, again with the intention of speeding things up. Now, I think this bill again will affect many of your constituents throughout the state.

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

Mr. O'Leary of Oxford then moved that Senate Amendment "A" to Committee Amendment "A" be Indefinitely Postponed.

The PRESIDENT pro tem: The Senator has the floor.

Mr. O'LEARY: Mr. President and Members of the Senate: As I understand this amendment, this would destroy the intent of the bill. The intent of the bill, as I understand it, is to give back to the towns some of the powers that the state has, such as writing permits by the municipal officers. And if I understand this amendment right, it will put back to the state everything that we have been trying to do with this piece of legislation. I may be mistaken, but I believe that is the intent.

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

Mr. TROTZKY: Mr. President and Members of the Senate: The good Senator from Oxford is thinking of another bill which will come before the Senate. The bill itself, as it stands now, includes Great Ponds permits, the way it stands now. The wording was put in Great Ponds permits just to clarify it, because this is where the public is finding a great deal of problems. But I believe the Senator from Oxford is thinking of another bill.

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

Mr. Johnston of Aroostook then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. O'Leary of Oxford that Senate Amendment "A" to Committee Amendment "A" be indefinitely Postponed.

Thereupon, on motion by Mr. Trotzky of Penobscot, a division was had. 19 having voted in the affirmative and seven having voted in the negative, the motion prevailed.

Senate

Bill, "An Act Relating to Additional Roads on Indian Reservation at Indian Island." (S. P. 499) (L. D. 1851)

Which was Read a Second Time and Passed to be Engrossed. Sent down for concurrence.

Bill, "An Act to Provide Opportunity for Reasonable Correction of Applications before the Board of Environmental Protection." (S. P. 527) (L. D. 1892)

Which was Read a Second Time.

Mr. O'Leary of Oxford then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing S-181, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to the Maine State Lottery Law." (S. P. 299) (L. D. 1031)

Bill, "An Act to Authorize County

Commissioners to Provide or Contract for Certain County and Municipal Services." (S. P. 332) (L. D. 1118)

Bill, "An Act to Create a Commission to Revise the Laws Relating to Medical and Hospital Malpractice Insurance." (S. P. 494) (L. D. 1825)

Bill, "An Act Relating to Weekly Compensation Paid under the Workmen's Compensation Law." (S. P. 226) (L. D. 758)
(On motion by Mr. Roberts of York, tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

Bill, "An Act Concerning Seasonal Potato Packers under the Workmen's Compensation Act." (S. P. 362) (L. D. 1165)

(On motion by Mr. Katz of Kennebec, tabled and specially Assigned for May 27, 1975, pending Passage to be Engrossed.)

Which were Read a Second Time and, except for the tabled matters, Passed to be Engrossed, as Amended.

Sent down for concurrence.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Speers of Kennebec,

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act to Create a Law Enforcement Education Section within the Criminal Division of the Department of the Attorney General." (S. P. 141, L. D. 444) (S. P. 531)

Which was Read and Passed.

Thereupon, on further motion by the same Senator and under suspension of the rules, sent down forthwith for concurrence.

Enactors

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

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

An Act to Establish 4-year Terms for County Commissioners. (H. P. 937) (L. D. 1179)

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

Orders of the Day

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

Bill, "An Act Concerning the Power of the Lewiston Parking District to Mortgage Certain Properties and Permitting the Taxation of Real Property of the District Which is Not Used for Parking." (S. P. 498) (L. D. 1845)

Tabled — May 16, 1975 by Senator Conley of Cumberland.

Pending — Consideration.

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-249), in non-concurrence.)

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

Mr. CLIFFORD: Mr. President, I have an amendment that is being printed now. It should be ready in a few minutes, and I would appreciate it if someone would table this until later in today's session.

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

Thereupon, on motion by Mr. Pray of Penobscot, tabled until later in today's session, pending Consideration.

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

Bill, "An Act to Incorporate the Town of Rockwood." (H. P. 966) (L. D. 1218)

Tabled — May 16, 1975 by Senator Corson of Somerset.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-309).)

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

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for May 28, 1975, pending Passage to be Engrossed.

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

The PRESIDENT: The Chair would like to thank the Senator from Somerset, Senator Corson, for doing a fine job.

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

HOUSE REPORT — from the Committee on Liquor Control — 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 20, 1975 by Senator Jackson of Cumberland.

Pending — Acceptance of Report.

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

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

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I would ask for a division on that motion to accept the report. In this L. D. 1872 which is before us this morning we have a prime example of how the laws on the books can be so easily flaunted and a disregarded.

Three years ago a restaurateur moved into the little Town of Dresden and started to build a restaurant. While the foundation was being poured, someone informed him that when the restaurant was built that he would not be able to serve liquor because the town had voted against the sale of liquors in eating places. He immediately scurried around and was told that the town would not vote on the issue until the following November. Realizing that he would have to go through the summer without a license, he contacted his state representative who, even though it was past cloture date for filing of bills, and it was also a special session, prevailed upon the Reference of Bills Committee to have a bill heard permitting the Town of Dresden to hold a special election on the local option issue. Eventually, after much debate in both branches, the Senate finally yielded and passed the bill by one vote. The man built his restaurant, obtained his license, and one year later sold out.

As a followup, the legislature in the next regular session voted to allow local referendum questions voted on at any state election, June or November.

This year, even with the frequency of a

local option vote allowed, we have a like situation before us. At the town meeting in March, the voters in St. George voted to ask the Legislature to allow them to have a special town meeting to vote on the local option question allowing another liquor license in the hotel.

Although it was long past cloture date, and although legislators had been informed that no bills would be accepted by the Reference of Bills Committee for action this session unless they were of high priority nature, the committee allowed this bill to be filed, heard by the Liquor Control Committee, and presented to the legislature for action.

I have no doubts that with the liquor lobbyist being named by the press as one of the ten most effective lobbyists this session, that L. D. 1872 will go flying through allowing the Town of St. George to hold a special meeting this month.

But I ask you this morning, if such action can be taken for the interests of one liquor licensee in the whole State of Maine, what good is it to pass laws? Many people throughout the state have asked, "What good are new laws when the old ones aren't enforced?" With such actions as taken in L. D. 1872, there is excellent reason for their questioning.

With that question in mind, I now move for indefinite postponement of L. D. 1872 and its accompanying papers.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that L. D. 1872 and all accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, could I ask through the Chair as to what the report from the committee was on this bill?

The PRESIDENT: The Secretary will read the report.

The SECRETARY: The Committee on Liquor Control, to which was referred the 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" Emergency, H. P. 1564, L. D. 1872, have had the same under consideration and ask leave to report that the same Ought to Pass as Amended by Committee Amendment "A". It is signed by Representative Maxwell for the Committee.

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

Mr. CONLEY: Mr. President, I would request a division.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion by the Senator from York, Senator Hichens, that L. D. 1872 and all accompanying papers be indefinitely postponed. Will all those Senators in favor of the motion to indefinitely postpone please rise in their places until counted.

A division was had. Eight having voted in the affirmative, and 23 having voted in the negative, the motion did not prevail.

Thereupon, the Ought to Pass Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read.

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

Mr. KATZ: Mr. President, may I inquire of one of the proponents of this legislation, which specifically says that the special meeting be held in May, I would presume that it takes a given number of days to put

warrants up, is this a realistic time schedule for the Town of St. George?

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 Berry.

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

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

House Reports — from the Committee on Taxation — Bill, "An Act to Increase Exemptions for the Inheritance Tax and to Increase the Inheritance Tax Rate." (H. P. 367) (L. D. 461) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 21, 1975 by Senator Wyman of Washington.

Pending — Acceptance of Either Report. (In House — Passed to be Engrossed.)

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

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

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

Tabled — May 21, 1975 by Senator Corson of Somerset.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-286).)

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

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for May 27, 1975, pending Passage to be Engrossed.

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

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

Tabled — May 20, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.)

Mr. O'Leary of Oxford then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-184, was Read.

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

Mr. SPEERS: Mr. President, I wonder if the Senator would explain the import of this amendment?

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

The Chair recognizes that Senator.

Mr. O'LEARY: Mr. President, I think the statement of fact explains it pretty well, and I shall read it. "This amendment specifies that a Legislator who serves 2 terms or 4 years in the Legislature shall not lose his outside job because of his legislative service if the outside job is in a firm employing 10 or more persons." Now, I think this is reasonable, but it goes on:

"This amendment also provides that a Legislator shall be deemed as on leave of absence from his employment only while the Legislature is in session." In the amendment itself it says only "on those days".

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

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

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Natural Resources — Bill "An Act to Establish a Restaurant Concession at the Ancient Pemaquid Restoration Site in the Town of Bristol." (H. P. 1416) (L. D. 1718) Majority Report — Ought to Pass as amended by Committee Amendment "A" (H-408); Minority Report — Ought Not to Pass.

Tabled — May 21, 1975 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

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

Mr. O'Leary of Oxford moved that the Senate Accept the Majority Ought to Pass as Amended Report of the Committee.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I oppose the motion of the Senator from Oxford and I would like to give a background on this issue.

The Bureau of Parks and Recreation is charged with the responsibility of acquiring and managing historical sites, and its first responsibility is to the people of the whole State of Maine for the proper administration of these sites. The site we are talking about is the ancient Pemaquid restoration site which the state bought in 1969. On this site was also a restaurant, which the state bought for just value from its owners. The state now leases out that restaurant.

By the way, this site is what was one of the first sites settled in North America, and they found all kinds of artifacts and ancient cellar holes and so on. The purpose of purchasing this site was to rebuild that village and restore it. There is available in state funds right now \$200,000 for the restoration of the site, and three-fourths of this is matchable with federal funds, making a total of \$350,000.

Right now the parking lots and roads to the restaurant go over the cellars and go right through the middle of the old village. What we do if we pass this bill is that we put the state into the restaurant business. The intention of the Department of Conservation, as I understand it from speaking with the Commissioner, is that they will lease out the restaurant until the point comes where the development and restoration of the site is interfered with by the restaurant.

I hope you will not support the motion of the Senator from Oxford, Senator O'Leary.

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

Mr. MERRILL: Mr. President, there is a joking saying that some members of this legislature have on their wall, the essence

of which is that no man's property, life or liberty is safe while the Maine Legislature sits in session, and at times I think all of us leave this session feeling that there might be just a little bit of wisdom in those words.

The fact of the matter here is quite the opposite though. I think the property in this case and by this bill is protected, if we pass this piece of legislation, and I am glad that the legislature is in session.

What we have here, I think, is an example of a bureaucracy that has just lost its head, and it is not an unusual one, I am afraid. I think Senator Trotzky from Penobscot has done a good job presenting the case for the bureaucracy, but I think it is a case without any merit whatsoever.

This restoration restaurant sits on an extreme part of this piece of land. It is used by summer people and by Maine people alike and has been there for many, many years. The people in the town where the restaurant is located came up here in considerable numbers, considering the size of that town, which is quite small, to say keep this restaurant, keep this business. It is an attractive building, and the effect of having it there is to have more people go to the site of this historic restoration. There is another road that could be used for access to the restaurant, if in fact the road to the restaurant is a problem. The point of it is that the people who live there want this restaurant to continue, the restaurant brings more people there to see the site, the restaurant produces income, the restaurant makes jobs for the people in that area. There is no reason whatsoever for this restaurant to go, and when pushed on this question, the bureaucracy during the committee hearing couldn't come up with one good reason why this restaurant had to be taken away.

Now, as far as putting the state in the restaurant business, it is not unusual on state land to have the state having some private restaurateur running a restaurant. As a matter of fact, most of us trek over to one every day. I think this is an asset to the area, it is an attractive building, it is producing income, the people there like it, and we will be doing the state a great service by stopping our own bureaucracy from fouling up this excellent restaurant which provides so many services to so many people.

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

Mr. COLLINS: Mr. Present, I thank the good Senator from Cumberland for his staunch support of the people of my district. This restoration at ancient Pemaquid is a very lovely historical site, a very worthwhile historical project, in my judgment.

I have made a careful inspection of the premises, I have eaten in the restaurant and talked with the people of the area who work there, who live in the vicinity, whose efforts through a period of years have brought about the state's participation in this historical restoration.

Early in the session when the people from that area spoke with me about it, I went to the Commissioner of Parks and Recreation. He was not able to see me at the time, but he furnished me with a detailed list of reasons why there should not be a restaurant there. I considered it carefully and went back to the people in Bristol and other towns in Lincoln County, and it was thoroughly discussed. They appreciate the Department's interest in purity of colonial restoration, but I submit to you that our colonial ancestors had to eat, just as we do. And if you are acquainted with the

peninsula on which this restoration stands down near the end of one finger of the peninsula; you know that there are not very many eating places available without going a great number of miles.

I have been to many historical restorations in this country and in other countries, and almost without exception there is some very decent eating place or refreshment place in the area, because people need this sort of accommodation. So speaking on behalf of the people who live in this area, I ask you to support the motion of the Senator from Oxford, Senator O'Leary.

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

Mr. WYMAN: Mr. President, I think the good Senator from Cumberland and the good Senator from Knox have said about everything on this bill and there is not much that I can add. I do want to re-emphasize what the good Senator from Knox said, that whenever you go to these places you find people eating. And isn't it better to have a restaurant, even if it has to be moved, under the control of the state and know what you are doing and where your debris from eating is going to be left rather than to have no restaurant and have people take maybe picnics there and whatnot, and I certainly hope you will support the 12 to 1 Ought to Pass Report of the Committee.

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

Mr. REEVES: Mr. President, I would just like to add my support, based on speaking to people in my district who are also very enthusiastic about this bill and about this restaurant.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator O'Leary, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee.

The Chair will order a division. Will all those Senators in favor of accepting the Majority Ought to Pass Report please rise in their places until counted.

A division was had. 26 having voted in the affirmative, and two having voted in the negative, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

SENATE REPORTS — from the Committee on Local and County Government — Bill, "An Act Relating to County Administration of Certain Federal Programs." (S. P. 416) (L. D. 1312). Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 21, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

Mr. Jackson of Cumberland moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. JACKSON: Mr. President and Members of the Senate: This bill reminds me of the farmer who had a horse in the barn and left the door open and let the horse run out and now he is trying to close the door.

Why I say this is that in order to be a prime sponsor, the state can be a prime sponsor, the county can be a prime sponsor, a municipality or a town can be a prime sponsor, as long as they meet the standards which were set forth by the congress through their Manpower Affairs Office. Also, the state had the opportunity to apply for prime sponsorship, and I have this question in the back of my mind of why didn't they apply. Evidently they didn't feel the necessity was great enough to apply for the entire state. So we only have two counties which would qualify for prime sponsors, which happen to be Cumberland and Penobscot Counties, because they have a population in excess of 100,000 people.

In the U.S. Code, chapter 29, paragraph 812: "A state shall not qualify as a prime sponsor for any geographical area within the jurisdiction of any prime sponsor described in paragraph 2345, subsection A, unless such prime sponsor has not submitted an approvable comprehensive manpower plan for such area."

This is a question that bothers me, as to why the Governor through the manpower office here in the state didn't apply for these funds previous to the counties. As I recollect, I think there was a notice in the paper back in January where the Governor wasn't interested in these funds primarily. So the counties did submit their plan to the Manpower Affairs Office in Washington, and subsequently they were considered as prime sponsors and allocated as prime sponsors.

I had a brief that was prepared by the Maine County Commissioners Association, which was presented to us, and I sent this up to the Attorney General. The Maine County Commissioners Association evidently decided that they thought the bill was unconstitutional, so I sent it up to the Attorney General's Office for validity. I got the reply back and it says the bill is not unconstitutional, it didn't appear to be, but in the last paragraph of the reply from the Attorney General's Office it has been urged that L. D. 1312 would frustrate the purposes of the Comprehensive Employment and Training Act, while this does constitute a federal question which must in the final analysis be answered by the federal authorities administering this program and by the federal court.

Now, I just wonder if these counties at a time previous to the decision have been empowered to distribute these funds and go into a program, as to what effect a federal ruling would have or how much time it would tie the money up on these prime sponsors. We do need the money, we need it now, we need the projects now. The unemployment in the state is rising, and I would assume it probably will level off during the summer, but again in the fall it will come up.

So this was the consensus of the committee that these were the questions that we asked, and we tried to be objective, and this is what we came up with in the Majority Ought Not to Pass Report which was reported out. There were three members that signed against it.

Another thing is that it seems to me that maybe we have a problem with some of the larger counties in the state, which undoubtedly they are the only ones that qualified for prime sponsors, and I don't think we should judge these merits with the other eleven or twelve counties which seem to have an objectionable purpose of supplying and providing the certain services which are required and which the citizens need. I don't think we should judge

all of these with two or three or four counties. So when this vote is taken I would request it be taken by the "Yeas" and "Nays", and I would appreciate it and hope you would have an open mind as to the smaller counties. As I understand it, there are some counties that are getting together a consortium and will be making application to the Federal Manpower Office for prime sponsors, and I wish you people would keep this in mind.

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

Mr. CONLEY: Mr. President and Members of the Senate: L. D. 1312 is intended to clarify Maine statutes regarding the question of whether or not to accept federal funds and expand their functions by becoming prime sponsors under the so-called Comprehensive Employment and Training Act. The legislation proposes to prohibit counties from undertaking such responsibilities.

The bill was introduced after a joint meeting of the legislative leadership and the Governor where there was a mutual agreement that a statewide coordinated manpower program was critical in a time when Maine is facing an average unemployment of in excess of 12%. County prime sponsorship would jeopardize such a coordinated approach by the State of Maine.

I know the legislation has the support of the Cumberland County municipalities, many of whom filed objections to the prime sponsorship application of the Cumberland County Commissioners, Penobscot County is the other county that filed such an application and quite candidly I am not aware of what attitudes the communities in that county have regarding the Penobscot County Commissioners prime sponsorship.

I personally feel quite strongly as to why county government should not be a prime sponsor. Let me briefly list my reasons:

(1) County government does not have a comprehensive understanding of all of the other needs of communities which play an integral part in manpower planning such as industrial development, general assistance, land use planning, transportation, and so forth.

(2) Cumberland County's government lacks any type of planning capability which is fundamental to any successful manpower development program.

(3) Cumberland County Government lacks any administrative capability as demonstrated by past activities which also is critically important in the proper handling of complex Labor Department funds and to show objective and equitable treatment to the many municipalities involved.

(4) That it is a poorly timed consideration when the basic question of the role of County Government is being currently debated.

(5) State government should have a coordinated manpower program that has the flexibility to allocate the federal monies for manpower programs to the areas of greatest unemployment and need.

Finally, I want to say that I support decentralization of the manpower planning process. It is my understanding that the Governor's office is currently in the process of doing just that so that municipal officials and others will become more involved in the planning and decision-making process. A decentralized process in the Greater Portland area makes much more sense with a coordinated Council of Governments and

State planning effort. Such an approach would assure the involvement of elected municipal officials and capitalize on the planning capabilities of an existing agency with other planning responsibilities.

I would hope that the Senate would defeat the motion to accept the Majority Ought Not to Pass Report, and would then receive the Minority Ought to Pass Report.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I strongly oppose L.D. 1312, and feel that the members of the Senate should accept the Majority Ought Not to Pass Report.

Two Maine Counties, Cumberland, which I don't know that much about, and my own Penobscot have been designated prime sponsors of the Federal Manpower Programs. This prime sponsor designation will enable the citizens of Penobscot County to decide how federal funds will be spent. Is this local decision making possible with only one prime sponsor, the State of Maine, as L.D. 1312 intends?

Penobscot County has an advisory council of twenty-eight members — one of which was the former Senator from this body, which everyone I believe everyone respects, Senator Cox — one council person for each 4500 people in the county. Is this representation available on the State Manpower Services Council which has only 20 members? If one-third of the State Manpower Services Council represents the two designated prime sponsor counties, that leaves 14 people on the State Manpower Services Council to represent the rest of the State, or one person per County, yet no one on the State Manpower Services Council is from Washington County or Piscataquis County.

The Penobscot and Cumberland County Councils determined the priorities of their own plans, decide which people would be served, allocated percentages of funds to different programs, and each member of the council in Penobscot County had a completed copy of the county manpower plan for five days, made comments, and changed sections of the plan before it was submitted to the United States Department of Labor. The state plan, on the other hand, was submitted to the Department of Labor on April 28, yet the first meeting of the State Manpower Services Council was held on May 21 in Auburn, and many members of the State Council had not yet seen a copy of the State Manpower Plan. If the members of the Senate want the people to decide how federal funds are to be spent, then L. D. 1312 ought not to pass.

There are serious questions that arise if L. D. 1312 is allowed to become law.

Is this bill the first step to require the counties to get special legislative permission each time the counties wish to apply for any of the approximately 1500 federal programs for which they are presently eligible? If the 106th Legislature enacted section 255 of Title 30, which allows the counties to apply for federal funds, must we restrict the use of the law first time the counties apply for federal funds? Will there be any consistency and reliability to the laws enacted by the 107th Legislature if bills like this are permitted?

Finally, we must decide who will benefit most from the passage of L. D. 1312. I submit that the beneficiaries are not the people of the State of Maine who haven't had a word to say on the State Manpower Plan.

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

Mr. SPEERS: Mr. President and Members of the Senate: Very briefly, I rise to support the comments of the good Senator from Cumberland, Senator Conley, in the comments that he made that the question of unemployment and the question of allocating funds directly to those areas within the state of high unemployment and high needs for these funds is a matter of statewide concern, not a matter of local areas.

It seems to me that in a matter of statewide concern that it is very important for the state to speak with one voice and to allocate these monies with one central direction. It is only able to do that through having a control over these areas and over these funds in one place. It is for that reason that I would support the Minority Report, Ought to Pass, of this legislation and would urge the other members of the Senate to do likewise.

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

Mr. CLIFFORD: Mr. President, I would support the minority and majority leaders in this body. I think that the reasons for the ought to pass report have been stated. I think there is a larger question. I think that this legislature has before it certain important questions as to the future of county government and what direction it should go, and I think that if this bill is defeated that that question is taken away from us further and that we are left with fewer alternatives, because the more these programs are built in the fewer options the legislature has to determine what the future of county government should be, whether it should go into the contracting business with the municipalities, whether some of its functions should be transferred, or whether it should grow and become more permanent.

I would hope that we could reject this motion and vote for the motion of the Ought to Pass Report, and allow themselves the option of making those decisions at a later time. Thank you, Mr. President.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Jackson, that the Senate accept the Majority Ought Not to Pass Report of the Committee. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of 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 question before the Senate is the motion by the Senator from Cumberland, Senator Jackson, that the Senate accept the Majority Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Ought Not to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Cianchette, Corson, Graffam, Greeley, Jackson, McNally, O'Leary, Pray, Trotzky and Wyman.

NAYS: Senators Berry, E.F. Jr.; Berry, R.N.; Carboneau, Clifford, Collins, Conley, Cummings, Curtis, Cyr, Danton, Gahagan, Graham, Hichens, Huber,

Johnston, Katz, Merrill, Reeves, Roberts, Speers and Thomas.

ABSENT: Senator Marcotte.

A roll call was had. 10 Senators having voted in the affirmative, and 21 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

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

On motion by Mr. Pray of Penobscot the Senate voted to take from the table the matter tabled earlier in today's session by that Senator:

Bill, "An Act Concerning the Registration and Operation of Snowmobiles." (H. P. 845) (L. D. 1030)

Pending — Passage to be Engrossed. The same Senator then presented Senate Amendment "A" and moved its Adoption. Senate Amendment "A", Filing No. S-186, was Read.

The PRESIDENT: The Senator has the floor.

Mr. PRAY: Mr. President, just to explain the amendment for some of those who questioned the bill yesterday, what the amendment does is take out the 500 yard clause.

I present this amendment with some reservations. As I argued yesterday, I believe that the 500 yard clause in there, as written in the bill, would cut down the amount of distance that snowmobiles would operate upon the roadway. The sponsor of this bill, in constant contact with the Maine Snowmobile Association, MSA, has worked out what they both consider to be a compromise and which should be acceptable to the principal lobbyist opposed to this bill, a former member of this body. In his reservations to me, his main concern was the 500 yards, and this amendment would remove it. What it would do is leave the distance necessary and the intent of the distance necessary being just when obstruction prevents a snowmobile from going any other way.

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

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

Sent down for concurrence.

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

Joint Order — (S. P. 530)

Pending — Passage.

Thereupon, on further motion by the same Senator, tabled pending Passage.

Papers from the House

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

House Papers

Bill, "An Act to Enact a Local Rental Tax Law." (H. P. 1619) (L. D. 1898)

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

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Reference to Committee.

Bill, "An Act Extending the Time Limit During which School Budgets May be

Adopted by Certain School Administrative Units." (H. P. 1623)

Comes from the House, Passed to be Engrossed without reference to Committee.

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

Mr. KATZ: Mr. President, this has not been printed and I, for one, don't know exactly what is in there. Might I suggest that the Senate might consider giving its first reading at this time without Reference to Committee and then tabling it until later in today's session for second reading.

The PRESIDENT: Is it now the pleasure of the Senate that this bill, under suspension of the rules, be given its first reading at this time?

Thereupon, the Bill was Read Once.

On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending assignment for Second Reading.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the matter tabled earlier in today's session by that same Senator.

House Report — from the Committee on Liquor Control — 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).

Pending — Adoption of Committee Amendment "A".

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

Mr. BERRY: Mr. President, this bill was tabled until later in today's session subsequent to the inquiry of the Senator from Kennebec, Senator Katz, as to the possible conflict with the title, saying that the referendum to hold a special town meeting in May of 1975 might not be a feasible date. In the body of the bill, on page two, it says that the special town meeting may be held during the month of May or June. So I would move the pending question.

The PRESIDENT: The pending question before the Senate is the adoption of Committee Amendment "A". Is this the pleasure of the Senate?

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

There being no objection, under suspension of the rules, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Recessed until 4 o'clock this afternoon

After Recess

Called to Order by the President.

Papers from the House

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

Non-concurrent Matter

Bill, "An Act to Allow Payment of Unemployment Compensation Benefits During Labor Disputes Caused by Failure of the Employer to Correct Hazardous, Working Conditions." (H. P. 825) (L. D. 1008)

In the House May 20, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-378).

In the Senate May 21, 1975, the Minority Ought Not to Pass report Read and Accepted in, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Committee Reports House

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

Bill, "An Act to Allocate Additional State Aid Funds to the Town of Chelsea for Repair of the Windsor Road." (H. P. 1300) (L. D. 1584)

Leave to Withdraw

The Committee on Transportation on, Bill, "An Act Relating to Town Ways." (H. P. 687) (L. D. 877)

Reports that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act to Authorize the Construction of a Bridge Across the Penobscot River Between the Cities of Brewer and Bangor." (H. P. 994) (L. D. 1258)

Reports that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Establishing the Maine Public Transit Fund Act." (H. P. 1392) (L. D. 1676)

Reports that the same be granted Leave to Withdraw.

The Committee on Natural Resources on, Bill, "An Act to Reduce the Maximum Allowable Height for Outdoor Advertising Near State Highways to Twenty-five Feet." (H. P. 177) (L. D. 208)

Reports that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in Concurrence.

Ought to Pass

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

Reports that the same Ought to Pass.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Game for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (H. P. 1602) (L. D. 1884)

Reports pursuant to Joint Order (S. P. 313) that the same Ought to Pass.

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

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

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

Mr. SPEERS: Mr. President and Members of the Senate: I am very pleased to make note of the fact that I have just received a note from the Chairman of the Committee on Marine Resources, who indicates that the work is now done in that committee and that the bills will be all out of that committee, pending some amendments that are going to be ready from Legislative Research.

I point this out because of the skepticism that has been prevalent in the hallways and in some caucuses regarding the adjournment date of the legislature, and I want to again congratulate that committee on the work that it has been doing and has done, and hold it out as an example to the rest of us that we can indeed be through in a reasonable time, and hopefully we can adhere to our projected adjournment date of June 14.

Ought to Pass — As Amended

The Committee on Local and County Government on, Bill, "An Act to Classify the Authority of Municipalities to Undertake Activities Pursuant to the Housing and Community Development Act of 1974." (H. P. 641) (L. D. 813)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-387).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Additional Funds to Provide Matching Funds for State Participation in the United States Department of Commerce Sea Grant Program." (H. P. 923) (L. D. 1140)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (S-429).

The Committee on Labor on, Bill, "An Act Relating to the Expediting of Procedures under the Municipal Employee Labor Relations Board." (H. P. 1169) (L. D. 1467)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-428).

The Committee on Legal Affairs on, Bill, "An Act to Permit Individuals to Pay Fines for Minor Traffic Violations without having to Appear in Court." (H. P. 1452) (L. D. 1725)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-267).

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

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

The Committee on Legal Affairs on, Bill "An Act Relating to Licensing and Fee Requirements for Private Detective, Watch, Guard or Patrol Agencies." (H. P. 1299) (L. D. 1575)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-266).

Come from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-435) Thereto.

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

The Committee on Election Laws, Bill, "An Act to Provide for Date of Election on Applications for Absentee Voting." (H. P. 796) (L. D. 969)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-417).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-432) Thereto.

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Exempting Machinery and Equipment used for Manufacturing and Research from Sales and Use Tax." (H. P. 1325) (L. D. 1626)

Reports that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland
MERRILL of Cumberland

Representatives:

MULKERN of Portland
COX of Brewer
IMMONEN of W. Paris
MORTON of Farmington
SUSI of Pittsfield
TWITCHELL of Norway
FINEMORE of Bridgewater
DAM of Skowhegan
MAXWELL of Jay

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

Signed:

Representative:

DRIGOTAS of Auburn

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

Which reports were Read.

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

Mr. KATZ: Mr. President, earlier today we happily passed a bill to exempt machinery used in agriculture that is going to cost us 6.3 million dollars for the biennium. I want to call to the Senate's attention this little bill which is going to cost us something over a one million dollar loss in revenue in the biennium. I hope we don't get lost along the way to adjournment.

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

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

Divided Report

The Majority of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Provide for Direct Initiative for Proposed Amendments to the Constitution. (H. P. 1421) (L. D. 1806)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-397).

Signed:

Senators:

CURTIS of Penobscot
GRAHAM of Cumberland

Representatives:

COONEY of Sabattus

STUBBS of Hallowell
WAGNER of Orono
KANY of Waterville
SNOWE of Auburn
LEWIN of Augusta
PELOSI of Portland
QUINN of Gorham
CARPENTER of Houlton

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

Signed:

Senator:

WYMAN of Washington

Representative:

FARNHAM of Hampden

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

Which reports were Read.

Mr. CLIFFORD of Androscoggin then moved that the Senate Accept the Majority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President, this is a constitutional amendment resolution which will restore something to the people which they had in the early history of the State of Maine, and that is the right to initiate changes by the initiative process to their own constitution.

Right now, as you know, the way to amend the Maine Constitution is for a resolution to be introduced by a legislator, for that resolution to be approved by two-thirds of both houses of the legislature and, upon approval of that two-thirds vote, that resolution goes to the people in a referendum for approval by the people, and if it is approved it becomes part of the Maine Constitution.

There is currently in the current Maine Constitution no way for people to initiate a change in their own constitution, although they do have the right by the initiative referendum process to initiate changes in the statutory law. As I mentioned before, they did have this right until the early part of this century when the constitution was changed, and by a technical oversight that right of the people was taken away.

By the way, this resolution itself, of course, would need a two-thirds vote of both branches of the legislature and would go to the people for ratification, for their approval or disapproval, if this legislature sees fit to send it to the people.

The resolution appeals to me because it is a very modest one and it retains legislative control over an irresponsible initiative situation. What would happen under this resolution, if it were passed, would be that the people could go out and gather 30,000 plus signatures requesting a change in the Maine Constitution. If the necessary signatures were gathered, the constitutional change could come before the legislature. The legislature would then vote on the matter, and if a majority of both branches of the legislature approved the resolution, a majority of the full membership of both branches of the legislature approved the resolution, it would then, and only then, go to the people for ratification. And it would not become part of the constitution unless the people ratified it in an election. So that you have safeguards along the way.

First of all, you have the requirement to get the necessary signatures. Secondly, you have the requirement that the resolution be approved by a majority of the full membership of both branches of the legislature. Then you have the

requirement that the resolution be ratified by the people in a referendum. So it seems to me that this resolution would go a long way toward restoring to the people the basic right to change their own basic law, the constitution, and yet it would avoid the irresponsible types of change because the legislature would have control by majority vote over what went to the people, plus the people's control and the people's wisdom in the final analysis on the final vote for ratification. So that if there were an irresponsible constitutional change which did happen to get the 30,000 plus signatures, then it would only take one of the bodies of the legislature to deny a majority to the resolution, and it would not even get to the people.

I would think that this is a very modest proposal. It is a proposal that is restoring a right to the people that they once had, and I would hope that we could give it the first and second readings and have the test on the third reading for the two-thirds vote. I hope you would vote to accept the Majority Ought to Pass Report of the Committee. Thank you, Mr. President.

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

Mr. SPEERS: Mr. President and Members of the Senate: I have given this matter some considerable thought, and I must confess that I have to disagree with the good Senator from Androscoggin, Senator Clifford, that this is a modest proposal, because it really changes the very basic law under which our society operates.

At the present time it is a very difficult process to amend the constitution of the State of Maine, and my contention is that it should be a very difficult process to so amend the constitution.

I can sympathize with the main thrust behind this amendment to allow the people to bring constitutional changes to a vote through the initiative process, because time and time again the legislature has thwarted attempts by many in these hallways to change the constitution with regard to governmental organization, either the size of the House of Representatives or the existence of the Executive Council, or whatever other governmental organization questions there may be within the constitution itself. And because those of us who have supported these measures have been frustrated in our efforts in the past, and because many believe that should the public be given the opportunity to bring these bills before themselves for a vote by initiative process that they would then pass, I can understand the thrust behind this particular piece of legislation.

But I would like to point out that governmental organization is hardly the most important thing in the constitution of the State of Maine or in the constitution of the United States. We have two layers of law under which our society operates. One of those layers is that which we operate on here daily, the body of statutory law. And it is very easy to change that statutory law; all it requires is a majority vote. But the other layer is the constitution, which oversees anything that we may wish to do here by a majority vote. And the basis of the constitution is not that it protects the majority, but the very reason for the existence of the constitution is that it should protect the minority, even a minority of one individual. It seems to me that for that reason it should be a very grave and very difficult and very unique situation when the constitution should be

amended, and it should be done by more than a mere majority vote. The whim of the majority should not be allowed to dictate the rights of even one in a minority.

Under this proposal there are a number of steps which must be taken in order to amend the constitution, but my objection to this piece of legislation is that every single one of those steps is taken by a mere majority of votes. There may indeed be an initiative brought to the legislature and both branches of the legislature vote on that initiative, and if adopted by a majority in either branch, the initiative then is placed before the people and is adopted again by a majority of the people. And it seems to me that under the system that we now have there is at least a degree of a safeguard that would not be in existence under the proposal that is before us today, and that is that it at least takes a two-thirds vote of both branches of the legislature before a constitutional amendment may be placed before the people.

I think the danger of accepting the mere will of the majority in these two bodies can be realized if you think of the constitution as a basic bill of rights of each individual in the State of Maine. And I think that it has been said quite often, and I am not sure whether or not it would be true — I would hope very deeply that it would not be true, but I am afraid I am not that sure — that if the bill of rights of the United States Constitution were voted upon today it would never be passed. And sometimes when I think of the mood of the voters on some issues, I am afraid I have to wonder whether or not that is true. I think it would be a very tragic situation should the whim of the majority start dictating what our basic law under the constitution should be.

I don't think that I would object to this legislation, or I know that I do not object to the idea of an initiative on the part of the people to proposing a constitutional amendment to the legislature. I think that probably is somewhat academic, because I think that if there were a group of people who honestly wanted to amend the constitution, and had a proposal, that they could find at least one legislator who would introduce the bill. But I don't object to that portion of the bill because perhaps they might not be able to find just one legislator to introduce the bill, and I don't object to the idea that the bill should be allowed to at least be introduced. But I do object very strenuously to the idea that both branches of the legislature could pass such a resolution by a mere majority vote.

I don't believe that I will make a motion to indefinitely postpone this matter at the present time, but I will state that I will very strenuously oppose passage of this bill should it appear in final form the way that it appears now, with a mere majority of both branches being allowed to adopt a resolution to amend the constitution.

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

Mr. CURTIS: Mr. President, the majority of the members of your State Government Committee were concerned with many of the same matters that have been raised by the previous speaker. In taking those into consideration, and particularly Article I of our constitution, the declaration of rights, the so-called bill of rights, we proposed an amendment, which is now on this bill. It is under Filing No. H-397, and it is a very simple amendment. It says that the declaration of rights, the bill of rights, should be exempt from this new procedure.

The reason for this is that we must be very careful that those individual rights which are so important to us as Americans are protected, even when sometimes those rights are very unpopular. I am speaking, of course, of things like section 3, the freedom of worship; section 4, the freedom of speech and of the press; the freedom from unreasonable searches and seizures; the various rights of accused in criminal prosecutions; the equal protection of all people of the laws; protection from double jeopardy; the right of habeas corpus; the right to keep and bear arms; the protection of private property from taking for public uses without just compensation, and all of the other rights that are specifically enumerated in the 24 sections of Article I.

So we thought that those being very special, very important rights of individual people, and sometimes subject to very unpopular observations, that those rights ought to be specially protected. However, our constitution also provides for a number of other areas, including the makeup and the organization of our own government. And speaking for myself, I think that our state government has got to be flexible. We have got to be able to change with the times and with the needs of our people and react to their desires. And I would suggest that our present situation, in which constitutional amendments can only be proposed and accepted after a two-thirds vote by each the House and the Senate, or proposed and accepted by a constitutional convention, is not sufficient for handling some of these proposed changes.

I would suggest that petitions of 10 percent of the last gubernatorial vote provide a sufficient number and a sufficient check to prevent frivolous suggestions from being proposed to the legislature. So given the committee amendment, which exempts the bill of rights from this new arrangement, and given the desire that government be flexible, I hope that the legislature will indeed adopt this change in our constitution and send it to the people for their vote.

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

Mr. WYMAN: Mr. President and Members of the Senate: As a signer of the minority report, I only want to second the remarks of the good Senator from Kennebec, Senator Speers. I just feel that the constitution is a serious guide for us, I think it is something that we should tinker with very carefully, and I think the way it is now that it is difficult to change it, and I think that is the way it should be. I think what the American people or what the people of this state think tomorrow may be entirely different from what they think today, and I think in a wave of enthusiasm for this or that we may change it, and when we look back on it we will wish we had not changed it. I think it just shouldn't be tinkered with, and it is hard to change it but I think that is the way it should be.

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 the remarks of the Senator from Penobscot, Senator Curtis, as to the exemption of the bill of rights really takes away the substance of the objections voiced by the Senator from Kennebec, Senator Speers.

I think that there are many areas in our constitution where when legislators are required to vote by a two-thirds vote to change the constitution concerning the legislative organization, the legislative structure, there is an inherent conflict of interest, and it seems to me that in these areas and in other areas of our constitution outside of the basic bill of rights that this right of the people to initiate the change, with the safeguards, is certainly in keeping with the philosophy that the constitution should not lightly be changed.

Massachusetts has a provision where the constitution can be changed by initiative in referendum. They have the provision that the requisite number of signatures is gathered, that it goes before the legislature, that 25 percent of the legislature of two succeeding legislatures approve, and then it goes to the people. And that procedure has only been used twice, so I don't think it is something that is abused. Many states have an initiative referendum situation, and this really, as I mentioned before, only restores to the people a right that they once had under our constitution. I hope you would support the majority of the Committee on State Government and vote for the Ought to Pass Report. Thank you, Mr. President.

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

Mr. SPEERS: Mr. President and Members of the Senate: I am very happy to have heard the remarks of the Senator from Penobscot, Senator Curtis, regarding the recognition on the part of the Committee on State Government of the very special dangers that do exist by removing the safeguards that now are present in amending the constitution. I only find very curious, very curious indeed, the attitude that a portion of the constitution should be accorded a special protection that would not be accorded other portions of the constitution, and I do still object very greatly to the manner in which this could be amended.

As for the recognition on the part of the legislature that there may or may not be significant public support for change in the form of our governmental institutions, the legislature among them, it does seem to me that if the portions of this bill regarding the gathering of signatures and presenting of an initiative to the legislature were kept intact, that that in itself could be an indication to the legislature of public support for a particular form of government or a particular change that might be coming along, and if there were enough signatures and enough public interest in actually changing that form of government, then the legislature would ignore that public interest at its own peril. It seems to me that that in itself would be some improvement to the present manner in which the constitution can be changed. But I still do object to the idea that a mere majority of either body or both bodies can adopt a constitutional resolution.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee.

The Chair will order a division. Will all those Senators in favor of accepting the Majority Ought to Pass as Amended Report please rise in their places until counted.

A division was had. 15 having voted in the affirmative, and 12 having voted in the negative, the Majority ought to Pass as

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

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act to Authorize Class A Taverns to Serve Spirituous and Vinous Liquors." (H. P. 913) (L. D. 1123)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-439).

Signed:

Senators:

DANTON of York
CARBONNEAU of Androscoggin

Representatives:

TWITCHELL of Norway
MAXWELL of Jay
JACQUES of Lewiston
DYER of South Portland
PIERCE of Waterville

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

Signed:

Senator:

GRAFFAM of Cumberland

Representatives:

LIZOTTE of Biddeford
FAUCHER of Solon
PERKINS of Blue Hill
IMMONEN of West Paris
RAYMOND of Lewiston

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

Which reports were Read.

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

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

Mr. CLIFFORD: Mr. President, could someone on the committee explain what the bill does?

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

The Chair recognizes the Senator from Cumberland, Senator Graffam.

Mr. GRAFFAM: Mr. President, this will allow the tavern owner to sell alcoholic beverages without the food requirement, so it would be unfair to the other licensees. That is all it does.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Graffam, that the Senate accept the Minority Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

Thereupon, the Minority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Permit the Advertising of Prescription Eyeglasses and Other Optical Devices." (H. P. 893) (L. D. 1068)

Reports that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York
GREELEY of Waldo

Representatives:

SPROWL of Hope
LOVELL of Sanford
MORIN of Old Orchard Beach
HENNESSEY of West Bath
CURRAN of South Portland
KENNEDY of Gray
LAVERTY of Millinocket

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

Signed:

Senator:

BERRY of Androscoggin

Representatives:

POST of Owl's Head
GOODWIN of South Berwick
LaPOINTE of Portland

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

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Clarify the Mandatory Provisions of the Workmen's Compensation Act with Respect to Farm Laborers." (H. P. 936) (L. D. 1178)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-427).

Signed:

Senators:

ROBERTS of York
McNALLY of Hancock

Representatives:

SNOW of Falmouth
SPROWL of Hope
LAFFIN of Westbrook
TEAGUE of Fairfield
TIERNEY of Durham
CHONKO of Topsham
FLANAGAN of Portland
MARTIN of St. Agatha

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

Signed:

Senator:

PRAY of Penobscot

Representative:

TARR of Bridgton

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

Which reports were Read.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee 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.

Senate

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

Bill, "An Act to Provide for Flashing Red Lights on Buses used for School Purposes by Houses of Religious Worship." (S. P. 110) (L. D. 364)

Ought to Pass

Mr. Cyr for the Committee on Public Utilities on, Bill, "An Act to Prohibit the Arbitrary Imposition of Certain Fuel Charges by Electric Power Utilities." (S. P. 469) (L. D. 1603)

Reports that the same Ought to Pass.

Which report was Read and Accepted,

the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Establish a Public Preserve in the Bigelow Mountain Area." (I. B. 1) (L. D. 1619)

Reports that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Wshington
O'LEARY of Oxford

Representatives:

CURRAN of Bangor
McBREAIRTY of Perham
AULT of Wayne
CHURCHILL of Orland
BLODGETT of Waldoboro
HALL of Sangerville
HUTCHINGS of Lincolnville

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

Signed:

Senator:

TROTZKY of Penobscot

Representatives:

PETERSON of Windham
DOAK of Rangeley
WILFONG of Stow

Which reports were Read.

Mr. Trotzky of Penobscot then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. HUBER: Mr. President and Members of the Senate: I would like to request consent to abstain from any action on this bill, due to the possible appearance of conflict of interest.

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

Mr. KATZ: Mr. President, I request a division.

The PRESIDENT: The Senator from Cumberland, Senator Huber, has now requested permission to withdraw from voting on this issue because of the possibility of an apparent conflict of interest. Is this the pleasure of the Senate?

It is a vote.

A division has been requested on the motion of the Senator from Penobscot, Senator Trotzky, that the Senate accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I would like to ask what the price tag on this bill may be? I read the L. D. and it was not clear at all to me what they were talking about, who was going to pay the bill, and so forth. I wonder if someone would explain that?

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 Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: This bill authorizes and directs the Department of Conservation to acquire approximately 40,000 acres of land in the Bigelow Mountain area. However, it doesn't require them to purchase the land outright or in fee simple.

As just a brief explanation of my understanding of this bill, first of all, it doesn't set a time limit, No. 1. This is a

referendum bill that has come in because of over 40,000 signatures, so the property could be purchased, or the rights, easements and so on, could be purchased in any amounts of time in the future.

The concern here is that Flagstaff Corporation, a corporation which intends to develop Bigelow as a ski resort, and is saying right now a year-round resort, owns 8,000 acres on the north side of Bigelow Mountain. The Department of Conservation of the State of Maine is conducting two appraisals of this property, and the price tag on this that they have gotten with the two appraisals is somewhere between 3 and 4 million dollars.

Now, there is federal money available in buying park and recreational land, and it runs on a 50-50 basis, so assuming the state were purchase the 8,000 acres, they would probably put in less than 2 million dollars. And there are other ways that they can go away below 2 million dollars, depending on the deal they make with the Flagstaff Corporation.

Now, the state has been trading right now for public lots all over the state, and we have passed a bill in this Senate, the legislature passed a bill, where the state acquired five or six large areas of over 60,000 acres from Great Northern Paper Company. If the state were to decide to trade for public lots, they could acquire probably somewhere in the neighborhood of 15,000 to 18,000 acres by trade, which would not cost the state anything. Then on the other land in the remaining area proposed, the state would not have to buy this land outright but could get easements from the companies whereby the companies would give up the right to develop the land. They would still keep the right to harvest the timber.

So I cannot give a specific price right now on this, but again the bill itself, the way it is written, it does not specify a specific time.

Whether we pass this bill or not, this goes out to referendum to the people. We cannot in any way change the language or wording on the bill.

I would also emphasize that there are ski areas in the State of Maine. Sugarloaf is right opposite Mount Bigelow, and Sugarloaf still can be developed further. Rangeley can also be developed, and that is probably half an hour away from Bigelow. Also, the State now owns Squaw Mountain, and economically as I understand it, the company that owned it, before was having difficulty making a profit on it. So we have ski areas in the State of Maine that can be developed further and should be developed further, and I don't see personally any need for the development of a resort area on Bigelow Mountain.

For those who are unfamiliar with Bigelow, Bigelow is known as Maine's second mountain. The Appalachian Trail crosses it. It is a mountain range of approximately 17 miles long and is quite beautiful from the top. It is a magnificent mountain, and I feel that 40,000 people of this state who are aware of this mountain signed this referendum petition, and because of the price tag on this, which would not be very high if handled in the right way through trades in the public lots and also through easements, I feel strongly the state should try to purchase these rights and preserve this mountain for future generations.

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

Mr. CIANCHETTE: Mr. President, I want to thank the Senator for attempting to answer the question, and I would like to pose another question. In reading the purpose of the bill and listening to the debate of the Senator from Penobscot, Senator Trotzky, I guess my question would be: are we saying here that we want to buy land that has a potential of being developed by a private developer, buy that land, and let the state be the developer for the things that are stated in here, hiking, fishing, hunting and recreational uses? Would this be a proper deduction?

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 Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I ask for a roll call on this issue.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I noted with great interest the comments of the good Senator from Penobscot, Senator Trotzky, when he mentioned that the bill does not state how the Department of Conservation is to acquire all of these rights and interests in the land, that there are any number of ways in which the Department might gain an appropriation, or even that it doesn't really necessarily have to have an appropriation, that it can just trade the land. I would like to simply point out that the bill directs the Department of Conservation to acquire. It doesn't say the Department may acquire under any method in which it can accomplish this; it directs the Department of Conservation to acquire this land.

Now, what happens with this privately owned land if the owners of this land out of the goodness of their heart decide not to give this land to the Department of Conservation, which is now directed to acquire it? We go right back to the constitution, which we have regarded as close to sacred, and in the constitution is a little provision in there that the state may not take private property without just compensation. So if the individuals who happen to own this land at the present time don't wish to give up this land to the state, and I would suppose there is every indication that they don't, if that is the case, then it is going to take an eminent domain procedure and it is going to take compensation for the state to legally, constitutionally acquire that land.

Now, the bill also directs that the Department shall seek and use funds for the acquisition of the land, if necessary, for the Bigelow Preserve from state bond issues and appropriations. Now, there are no state bond issues or appropriations provided for. So what state bond issues and appropriations are we talking about? They simply do not exist. If we try to suggest that it will be required of future legislatures to provide for state bond issues or to provide for appropriations, I would simply point out that it is constitutionally impossible for one legislature, let alone a department of state government, to bind what a subsequent legislature is going to do.

Regardless of the merits of the suggestion of having a preserve in that area, or having a development in that area, regardless of that question, the bill that is presented to us — and it is most unfortunate that we can't do some work on this and present it in a responsible manner

— but the bill that was presented to us is simply unworkable and thoroughly irresponsible in the manner in which it was drafted.

I would move the indefinite postponement of this bill.

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

Mr. BERRY: Mr. President and Members of the Senate: I hope that the enthusiasm of the good majority floor leader didn't carry him away when he indicated that there might have been a lack of honest intentions on the part of the people who presented and worked so hard to get this petition before the legislature. I am sure it didn't. It would be unfortunate indeed if some minor technicality prevented the will of 40,000 people being put before the electorate to decide.

There are no indications in the bill as to the wording of the petition, and I would suggest, in view of the gravity of the matter, that this matter should be investigated, whether it was cleared through the Judiciary Committee, and I believe it was, as to the validity of the signers, but I think now the legislature is quite concerned as to the language on the petition as to going before the voters if the legislature in its usual course of events fails to enact the legislation as presented to the legislature. Now, ordinarily on an initiative petition, the Legislature generally in the past has turned these items down so that the people will have a chance to vote. I see nothing like that in this L.D. I would suggest that this be tabled at least for one day so that we can refer to the petition and see the language that was mentioned.

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

Mr. SPEERS: Mr. President, let me hasten to clarify my remarks. And I thank the good Senator from Cumberland, Senator Berry, for pointing out what he considers to be my intention in the purport of my remarks. I want to state very clearly that I concur. I certainly do not have the intention of indicating that the intent of the individuals to bring this legislation before the Senate and the House was anything but honorable. In fact, I think it very unfortunate that it is before us in this particular form because the bill itself, I believe, prevents the real question from even being addressed. The real question, of course, is a choice in that area between a Bigelow Preserve and a development, and it is a very important question, one on which the voters of the State of Maine should have an opportunity to voice their opinion. And I think it is very unfortunate that we cannot make this a viable and workable piece of legislation. In my opinion, it is not a workable piece of legislation.

I would withdraw my motion to indefinitely postpone, Mr. President.

The PRESIDENT: The Senator from Kennebec, Senator Speers, requests permission to withdraw his motion to indefinitely postpone this bill. Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Trotzky of Penobscot to Accept the Minority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Energy on, Bill, "An Act Relating to Nuclear Power Plant Construction." (S. P. 381) (L. D. 1232)

Reports that the same Ought Not to Pass.

Signed:

Senators:

ROBERTS of York
TROTZKY of Penobscot
CIANCHETTE of Somerset

Representatives:

TORREY of Poland
DURGIN of Kittery
FARLEY of Biddeford
JACKSON of Yarmouth
KELLEHER of Bangor
BENNETT of Caribou

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

Signed:

Representatives:

DAVIES of Orono
GREENLAW of Stonington
CONNOLLY of Portland
BYERS of Newcastles

Which reports were Read.

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

Mr. CURTIS: Mr. President and Members of the Senate: This is L. D. 1232, and I think perhaps some of you, from your discussions with me, have received some mail regarding this bill. It is one of two bills that was considered by the Energy Committee regarding considerations of nuclear power plant construction in the State of Maine.

I introduced this bill at the suggestion of "Safe Power for Maine," a group of concerned citizens, and because I feel that the interests of the people of the State of Maine, including future generations, demands careful consideration of safety before we approve nuclear power plants.

To provide positive and concrete means of assuring the protection of future generations, L. D. 1232 creates and designates a nuclear fission power plant review committee to judge whether the following requirements have been met before further nuclear power plant construction is permitted within the State of Maine:

First of all, that the effectiveness of all safety systems is demonstrated beyond reasonable doubt.

Secondly, that there are effective means for storage or disposal of radioactive wastes from reactors.

Thirdly, that if federal liability limits have not been removed that full compensation to the people and businesses of Maine in the event of an accident or escape or diversion of radioactivity or radioactive materials is adequately guaranteed by the applicant.

Fourth, that adequate guarantee is provided so that after decommissioning of any reactor that might be approved, potentially a thirty year life span, the plant site would be left free from radioactivity.

Fifth, that emergency evacuation plans are made and that those plans are adequate and are effective for people in the event of an accident.

Now, the second part of the bill provides for a nuclear fission power plant review committee which would be created and would be comprised of state officials, those who are most concerned and knowledgeable on the matter, including the Chairman of the Public Utilities

Commission, the Chairman of the Board of Environmental Protection, the Commissioner of Health and Welfare, the Coordinator of Atomic Development Activities for Maine, and the Attorney General. All of those are full-time state officials except for the Coordinator of Atomic Development Activities for Maine, who is a gubernatorial appointee, and at the present moment that is Professor Noel Little of Bowdoin College.

The review committee would hold public hearings concurrently with the hearings of the Public Utilities Commission and would prepare findings of fact. The Public Utilities Commission could issue a certificate of convenience and necessity only after the plant review committee had found that the proposal met the five requirements in the first part of this bill.

Now, nuclear power plants are in a risk category entirely different from other types of power production. The amount of regulation required, the amount of insurance required, should be in relation to the degree of risk involved.

So in considering L. D. 1232, I ask that you bear these facts in mind. Our people in the State of Maine have shown interest in the matter and I think they are divided. Some towns in the area of the proposed Sears Island nuclear power station have voted overwhelmingly to oppose the construction of that station. Searsport itself, where the nuclear power plant would be located, has voted in favor.

Certainly if the risks and problems associated with nuclear power are as small as some of the opponents have claimed at the public hearing, there would be no reason for them to object to these provisions. The citizens of Maine, I think, are relying on us to weigh carefully the facts of this crucial issue and to make the right decision now.

It is particularly important that we consider this bill and other bills like it at the present time because the Nuclear Regulatory Commission of the Federal Government seems to be moving in the direction of developing nuclear energy centers, plans to combine up to 40 1200-megawatt reactors, full enrichment facilities, fuel reprocessing facilities, and retrievable waste storage all in one location. And as we note, other states are considering the same matter. We see that New York has provided at least a temporary ban, that there is a federal court decision in the area of Indiana that says nuclear power plants will not be authorized where there are large areas of concentrated population, and there are other states, such as Vermont, that have gone in other directions to provide careful consideration of safety factors.

Now, if we don't take any action at all in Maine, we may be the one state without any special state provisions to protect against some of the special dangers of nuclear power plants, and therefore, it might very well be that the federal government would decide that its combination of many nuclear power plants, upwards of 40, as I mentioned, in nuclear energy centers, might very well be located in our state using only federal protections. And I think if you have read the news recently, you have seen it in some areas anyway, the federal protections are less than sufficient.

Now, the bill itself is amendable. I think that the bill I discussed in committee would be a slight redraft of this bill, and if the bill today lasts through its report, I would offer at the second reader the slight

revision that I mentioned and presented to the committee. But, although the bill is amendable, I think we should be flexible in our methods of providing protection. We must also be firm in our resolve to plan for the safety of future generations.

So, Mr. President, I would move acceptance of the Minority Ought to Pass Report.

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

Mr. CIANCHETTE: Mr. President, I will be quite brief, but I think some of the things that were said should be answered. The first couple pieces here of literature were distributed, one signed by Senator Curtis and one signed by myself, and the distribution by Senator Curtis in the first line says L. D. 1232 is not a moratorium bill. I think we could almost stop right there, and this is what we are talking about. If you read on there, I think you would have to conclude that almost everything said in here is anti-nuclear power plant construction.

At the hearing, we had a large hearing on this bill, and many of the people there — and I think without any question the large majority of the people there, whoever they represented — were there with an interest that they don't want to see any nuclear power plant construction of any kind in the State of Maine. I don't think that is the intention of the sponsor of the bill, by any means. However, this bill, even slightly amended as he offers, would be a vehicle and a tool for the extremists to use to effect a moratorium on any power plant construction for any reason.

If you will read the bill closely, you will see that there are stipulations in there that cannot be met. I will point out just one. It is on the first page of the bill, section A under paragraph 2. "The effectiveness of all safety systems, including but not limited to the emergency core cooling system, is demonstrated by comprehensively testing substantially similar physical systems in actual operation."

What that says is that someone has got to build a plant and destroy that plant to prove that the normal operating procedure is safe. They have got to create a horrendous problem and spend millions if not billions of dollars to make this first test, and that is under item A. Now, I don't think we need to go on.

In the letter I have distributed to you I think there are answers to each of the questions raised by the debate by the Senator from Penobscot, Senator Curtis. I won't go into them but they are there for your perusal.

Mr. President, I move the indefinite postponement of this bill and all accompanying papers.

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

Mr. CURTIS: Mr. President, the particular item that was pointed out by the Senator from Somerset, Senator Cianchette, is one of those items which I had requested be changed in a redraft by the committee. I presented a redraft to the

committee, and you all received copies of it several weeks ago. And the revised language regarding the effectiveness of safety systems would read, "The effectiveness of all safety systems, including but not limited to the emergency core cooling system, is demonstrated beyond a reasonable doubt." And I would suggest that if there are some technical problems about meeting that particular

requirement that, as I mentioned before, the bill is amendable.

I would like an opportunity to present the full bill in amended form in the second reader, and I am perfectly willing to listen to other suggestions that people have about changing specifics of it. But I think that at least some of the provisions that I have described, some of the protections that are presented in this bill, ought to be considered by us now and we should take action this year.

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

Mr. ROBERTS: Mr. President and Ladies and Gentlemen of the Senate: At our hearing it was quite evident from the testimony that I heard that there is nothing in the United States in the way of a facility that operates and produces anything, automobiles, power, I don't care what the item is, that even comes anywhere close to the safety record that nuclear power has. There are twenty of these plants all over the country and there hasn't been a single person killed from the radioactivity of the plants. There have been various incidents that have happened, but none that involved any radioactivity to the point where anyone has been injured or hurt. This is a record that no other industry can even come close to touching.

The incidents that get a lot of publicity are incidents which occur, but which do not occur within the area wherein radioactivity is used to produce the power and the steam that is required. They are incidents that happen in the operation of machinery and that sort of thing, and power facilities which bring power to and from the plants.

There was some talk and concern about how you got rid of the radioactivity that is left when you used up your uranium and you have this core left over. That, it was explained, could be put into any number of salt mines that exist in the country, which are many feet underground, and be sealed off. And any one of those salt mines would take care of all the radioactivity from a plant like Maine Yankee for the next 200 years, if we could run the plant that long. This expert was asked how long would this be safe. Well, it would be safe for centuries. It would depend on an earthquake or something else to release it, if it could be released. And as indicated in Senator Cianchette's flyer that he put on the desks here, a year's waste from a plant the size of Maine Yankee can be put in a 4-foot square box. So I fail to see any even reasonable doubt or question that this plant or a plant similar to this would be safe.

Now, the safety is left with the Atomic Energy Commission in Washington, and now because we are turning; that is, the county is turning toward this form of generation of power, mainly because it is much more economical, it doesn't require oil from the near east or outside the country, we have the uranium here to run it for years, and we also have another device which eventually would provide all we would ever need for the foreseeable future as far as fuel is concerned to run these plants, and because they are moving in that direction there is concern among people that we are, you know, we are just going too fast, and it is that concern and those people who have a right to be concerned if that is the way they feel about it, but I think they are being frightened or unduly concerned because there is a movement countrywide towards nuclear plants.

I feel that even if we did have some sort of a committee here, we couldn't begin to bring the expertise together in the State of Maine to do the sort of thing that is now being done at the federal level, and I hope that you will vote against the motion of Senator Curtis.

The PRESIDENT: The Chair would advise the Senator that the pending question before the Senate is the motion of the Senator from Somerset, Senator Cianchette, that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like just to say a couple of things about this so that there can at least be an expression that there are different opinions going into this vote.

Frankly, I have grave concerns about the movement that this nation is following towards more and more dependence upon nuclear energy. Those concerns are both economic in terms of our reliance on the fuel continuing to be available at the low price — it is a controlled fuel and it is running out, and the price controls will probably be taken off — and I also have some grave concerns about the impact of the decision in terms of safety. But I am not satisfied that this bill provides a proper vehicle to deal with the situation. For that reason, I am going to support the motion by the Senator from Somerset to indefinitely postpone this bill.

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

Mr. CIANCHETTE: Mr. President, we had an extremely interesting hearing that day. We had intellects from many parts of the country and it was really interesting. I would like to share with you just one analogy that was drawn that the Senator from York, Senator Roberts, touched on, and I would like to carry it just a little further. One doctor of some kind of degree there was telling us the history of any new source of energy or any new source of power, or any new inventions of such magnitude of generating electricity, starting out with the shipping industry and the sailboats and all the problems they had developing the shipping industry, and how many lives they lost and what a great risk they took developing these methods, and then he went on to the steam engine. He related hundreds of thousands of people who have been killed in the development of steam generating facilities and steam engines and things associated with this. Hundreds of thousands of people were killed. And when they created dams and invented and developed dams to hold back the water, before they learned how to build safe dams, they wiped out villages by the hundreds. They killed people by the hundreds of thousands in building dams to develop a new source of energy. Then he said atomic energy came along, and if I understand right, there was one scientist who in the early days was experimenting with these light masses and stood there with these light masses in his hand and moved them close enough together so that they provided a fission process, and in a couple of days he died. That was an accident, I guess you would say.

I don't know of any other accident relating to the use of atomic energy on record to date. There have been people killed, but they were killed intentionally. Of this great source of energy, this great development, to date, I guess that is the

only person who has been killed or seriously injured by this process. I thought that was an extremely educational and interesting point of view. And I still say this is a moratorium bill.

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

Mr. REEVES: Mr. President, I ask for a roll call on this issue.

The PRESIDENT: A roll call is requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of 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 question before the Senate is the motion by the Senator from Somerset, Senator Cianchette, that L. D. 1232 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., Berry R., Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Cyr, Danton, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, McNally, Merrill, Pray, Roberts, Speers, Thomas Trotzky, Wyman, Sewall.

NAYS: Senators Curtis, Graham, Reeves.

ABSENT: Senators Gahagan, Marcotte, O'Leary.

A roll call was had. 26 Senators having voted in the affirmative, and three Senators having voted in the negative, with three Senators being absent, the motion prevailed.

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

Mr. DANTON: Mr. President, having voted on the prevailing side, I now move reconsideration and hope the Senate votes against me.

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate reconsider its action whereby the Bill was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

A viva voce vote being in doubt, a division was had. Three having voted in the affirmative, and 25 having voted in the negative, the motion did not prevail.

Enactors

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

An Act Relating to Playing Card Games for Prizes. (H. P. 573) (L. D. 708)

(On motion by Mr. Corson, tabled and Tomorrow Assigned pending Enactment.)

An Act to Increase Costs and Fees Taxed and Allowed in the District Court. (H. P. 852) (L. D. 1041)

An Act to Provide for Supervision of Elections By Municipal Clerks. (H. P. 907) (L. D. 1106)

An Act Concerning the Purchase of Tax Delinquent Land by Municipal Officials.. (H. P. 941) (L. D. 1180)

An Act Concerning the Furnishing of Updated Voting Lists by Registrars. (H. P. 1020) (L. D. 1299)

An Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Northern Oxford County Area. (H. P. 1094) (L. D. 1372)

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

An Act to Increase the Minimum Wage to \$2.30 an Hour. (H. P. 1521) (L. D. 1834)

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

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

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

Mr. CONLEY: Mr. President and Members of the Senate: I think it is a very fine thing that the majority floor leader has decided to get a roll call on the minimum wage. We would like to obviously point out that the record shows very strongly of how hard the majority floor leader has felt toward the \$2.50 a hour minimum wage. After making a public news release of supporting \$2.30 an hour immediately after the bill passed this legislature, the majority party has turned down \$2.50 an hour minimum wage, \$2.45 an hour minimum wage, \$2.40 an hour minimum wage, \$2.35 an hour minimum wage, and I hope you can all vote and support this \$2.30 a hour minimum wage effective 90 days after the legislature adjourns.

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

Mr. MERRILL: Mr. President, before I vote on this question, I would like to pose a question to the majority leader. Is the effect of this bill that the \$2.30 goes into effect in September instead of on January 1st as it would under current Maine law?

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to the Senator from Kennebec, Senator Speers, if he may care to answer it.

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 Cumberland, Senator Conley.

Mr. CONLEY: A point of order, Mr. President.

The PRESIDENT: The Senator may state his point of order.

Mr. CONLEY: Mr. President, would it be in order for the Secretary to cast one ballot for the entire Senate?

The PRESIDENT: The Chair would reply in the negative. The pending question before the Senate is the enactment of L. D. 1834. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.F. Jr.; Berry, R.N.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Katz, McNally, Merrill, Pray, Reeves, Roberts, Speers, Thomas, Trozky and Wyman.

ABSENT: Gahagan, Marcotte and O'Leary.

A roll call was had. 29 Senators having voted in the affirmative, with three Senators being absent, the Bill was Passed to be Enacted and, having been signed by

the President, was by the Secretary presented to the Governor for his approval.

Emergencies

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

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

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

Bond Issue

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. (H. P. 1061) (L. D. 1341)

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

Mr. REEVES: Mr. President, I wish to raise a question about this bill. Does it in fact represent a move to expand dormitory space at the University of Maine? I am told that there are forecasts that the school age population has stopped growing and that the most realistic projection indicates that it will be no higher in 1990 than it is at present. I would appreciate hearing from any member of the Senate who can assure us that we are not expanding University dormitories by approving this bond issue.

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

Mr. HUBER: Mr. President and Members of the Senate: This bill deals with the repair and maintenance of Robie/Andrews Hall at Gorham. This is an existing dormitory facility which is in a very bad state of repair and may become unrepairable if we don't undergo this program. The cost of this maintenance is considerably less than new facilities. Already the occupancy of the dormitories had to be cut in half, primarily because of fire safety regulations. This would update this facility which, although old, still lends itself very well to dormitory purposes.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being a Bond issue and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the following matter tabled earlier in today's session by Mr. Pray of Penobscot:

Bill, "An Act Concerning the Power of the Lewiston Parking District to Mortgage Certain Properties and Permitting the Taxation of Real Property of the District Which is Not Used for Parking." (S. P. 498) (L. D. 1845)

Pending—Consideration.

(In the Senate — Passed to be Engrossed.)

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-249), in non-concurrence.)

On motion by Mr. Clifford of Androscoggin, the Senate voted to Recede from its action whereb the Bill was Passed to be Engrossed.

House Amendment "A" was Read and, on further motion by Mr. Clifford of Androscoggin, House Amendment "A" was Indefinitely Postponed.

The same Senator then presented Senate Amendment "A" and moved its Adoption. Senate Amendment "A", Filing No. S-188, was Read and Adopted.

Thereupon, on further motion by the same Senator, tabled and Specially Assigned for May 28, 1975, pending Passage to be Engrossed.

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

Bill, "An Act to Enact a Local Rental Tax Law." (H. P. 1619) (L. D. 1898)

Pending—Reference.

(In the House — Referred to the Committee on Taxation.)

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

Mr. KATZ: Mr. President, I would like to move that this bill be indefinitely postponed. This is the last L. D. in our books, and if you will notice, that at the 11th hour of the session it attempts to impose on a permissive basis a municipal tax on a whole series of people, including people living in rooming houses which generally are very, very low income people, among others. It may be that this is a good bill but I think its admission into the session at such a late hour was questionable judgment, and I request a division.

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

Mr. CONLEY: Mr. President, once again, this was a bill that came before us late, as the Senator from Kennebec, Senator Katz, has stated. However, a cause apparently was made before the Reference of Bills Committee and they thought it was worthy of consideration to be let in to the legislature at this late date. I would hope the Senate would vote to allow it to be accepted.

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

Mr. SPEERS: Mr. President, I would like the record to show that I was either not present at the meeting of the Reference of Bills Committee that did allow this to come in, or simply do not remember it. I wouldn't want the questionable judgment to be attributed where perhaps it may not be deserved. I will make no urging one way or the other regarding this particular bill because it is my feeling that it is extremely late in the session.

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, perhaps somebody on the Taxation Committee, as to whether or not if we permit this bill to come in here towards the end of May, will there be a public hearing? It seems to me it is a very important bill and it ought to get very close scrutiny by both those of us who are concerned about what sources the state has for income and whether or not, if this is a suitable source of income, the state ought to use it, and then also the municipalities.

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

The pending question before the Senator is the motion by the Senator from

Kennebec, Senator Katz, that L. D. 1898 and all accompanying papers be indefinite postponed. Will all those Senators in favor of indefinite postponement please rise in their places until counted.

A division was had. 15 having voted in the affirmative, and 11 having voted in the negative, the motion prevailed.

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

Bill, "An Act Extending the Time Limit During which School Budgets May be Adopted by Certain School Administrative Units." (H. P. 1623)

Pending — Assignment for Second Reading.

(In the House — Read Twice under Suspension of the Rules, and Passed to be Engrossed without Reference to Committee.)

Thereupon, under suspension of the rules, the Bill was Read a second Time and Passed to be Engrossed in concurrence.

Reconsidered Matter

Mr. Katz of Kennebec then moved that the Senate reconsider its prior action whereby Bill, "An Act to Enact a Local Rental Tax Law," (H. P. 1619) (L. D. 1898), was Indefinitely Postponed.

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

Mr. CONLEY: Mr. President, I can appreciate the good Senator from Kennebec, Senator Katz, being concerned about the late hour of the session, but I would like to call to mind in the Senate that there is a joint rule that does state that any bill that is rejected by the legislature during its regular session will not be accepted within the special session. I don't know the pros or cons about this particular document but, irrespective of what the good Senator from Kennebec, Senator Speers, did have to say, this bill was not just submitted to this session without the approval of the Reference of Bills Committee. I think it certainly would be unworthy to give this thing the deep six. I think it should be given an opportunity for a public hearing and then allow the Taxation Committee to do anything they would like to, but I would be opposed to the reconsideration motion and would ask for a division.

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

Mr. BERRY: Mr. President, I am sure that the denial of reconsideration now would not prohibit the introduction of legislation along this line under perhaps a slightly different wording at the special session.

The PRESIDENT: A division has been requested. Will all those Senators in favor of reconsideration of the action whereby L. D. 1898 was indefinitely postponed please rise in their places until counted.

A division was had. 12 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

On motion by Mrs. Cummings of Penobscot,
Adjourned until 12:30 tomorrow afternoon.