

# 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

Tuesday, May 27, 1975

Senate called to order by the President.

Prayer by Rev. Jack Christensen, United Baptist Church of Old Town.

Our Heavenly Father, we stand and bow our heads in Your presence this morning, recognizing anew and afresh again as we begin a new week of labor that we need Your divine guidance. Grant unto each member of our Senate that they may know that wisdom from on high, as they represent this great state, they may do so with the understanding and the realization that we have much to be thankful for. And this morning, Father, we pause once again to thank You for the liberty and the freedom that is ours, for those who have given of their great sacrifices to make it possible. And grant unto us now as we deliberate and as we make those decisions that we shall make those decisions that shall be for the good of all our people in our great state, and certainly shall please You for we ask it in the name of our wonderful Saviour, even Jesus Christ our Lord. Amen.

Reading of the Journal of Friday, May 23, 1975.

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

Bill, "An Act to Provide for the Appointment of Deputy District Attorneys." (S. P. 321) (L. D. 1098)

In the Senate May 6, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-120).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" as Amended by House Amendment "A" (H-315) Thereto, in non-concurrence.

Mr. Clifford of Androscoggin moved that the Senate Recede and Concur.

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

Mr. SPEERS: Mr. President, as I understand the amendment, and will certainly be willing to be corrected by the good Senator from Androscoggin if it is not correct, but as I understand the House Amendment "A" to the Senate Amendment "A", this would allow the assistant district attorney who is appointed a deputy in the district attorney's absence to be paid an additional salary for those duties. I think the comments that were made in the Senate earlier on the passage of this particular matter indicated that we do not wish to see the assistant district attorney paid an additional salary for those duties, and I therefore move that the Senate insist.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: As I read the House Amendment "A", which is under Filing No. H-315, it merely allows the district attorney to set the salary of the assistant district attorney who he names deputy somewhere between \$17,000 and \$20,000. That salary comes out of the district attorney's budget, and the district attorney right now has the discretion to set the salaries of his assistants within his budget. It seems to me that it merely allows him a little more discretion, if he appoints a deputy, to use the monies allotted to him, to use a little more of that money for a deputy who may have additional responsibilities. He would still

be obliged to operate within the budget as appropriated by the legislature. It does not mean an increase in appropriations, as I understand the amendment.

The original bill called for a \$20,000 salary for the deputy, and this is somewhere in between. It is between \$17,000 and \$20,000. It seems to me that it is really not far from what the Senate originally voted for.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Clifford, that the Senate recede and concur. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

Thereupon, the Senate voted to Insist.

**Non-concurrent Matter**

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

In the Senate May 20, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-269) as Amended by Senate Amendment "A" (S-168), Thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by Senate Amendment "A" Thereto and as Amended by House Amendment "B" (H-467), in non-concurrence.

On motion by Mr. Corson of Somerset, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State." (S. P. 205) (L. D. 695)

In the Senate May 7, 1975, Passed to be Engrossed as Amended by Senate Amendments "A" (S-102) and "B" (S-128), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" and House Amendment "C" (H-410), in non-concurrence.

On motion by Mr. Pray of Penobscot, the Senate voted to Recede and Concur.

**Joint Order**

WHEREAS, the Governor has established a special committee to formulate a long-range tax policy for the State of Maine; and

WHEREAS, the Legislature believes that the formulation of such a policy is highly desirable for this State; and

WHEREAS, it is important that the persons composing this committee be representative of the geographic, economic and social interests of this State; and

WHEREAS, the current membership of the committee are all men, live in the southern and central part of the State, and are mainly attorneys, accountants, employees of the State and representatives of quasi-governmental organizations; now, therefore, be it

ORDERED, the Senate concurring, that the Governor of Maine is respectfully requested and urged to broaden the membership of this special committee to include representatives of the chief geographic areas of the State, the chief economic interests of this State and the

chief social interests of this State, to include representation of women as well as men and to include representatives with some legislative experience in the field of taxation; and be it further

ORDERED, that a suitable copy of this Order be sent by the Clerk of the House to the Governor, James B. Longley. (H. P. 1624)

Comes from the House, Read and Passed.

Which was Read.

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

**STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Barbara Plowman of Scarborough President of the Department of Maine Amvets Auxiliary 1974-1975

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1625)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Communications  
Office of the Governor**

May 23, 1975

Member of the House of Representatives and Senate of the 107th Maine Legislature

I am today returning to the Legislature without my signature and approval L. D. 1192, An Act Concerning Candidates for Public Office who are running as Independents.

Candidly, I feel this measure, which would require an enrolled voter to disenroll three months before filing petitions to seek office as an independent, is an insult to the intelligence and integrity of the people of Maine.

The legislation has every appearance of being retaliatory and vengeful and I feel strongly that the members of the Maine Legislature should rise above such things. The people of Maine deserve better from their hard-earned tax dollars than for the Legislature of this state to spend valuable time enacting bills that can have no other purpose than to make it more difficult for a person who chooses to remain Independent to seek public office. It is a slap in the face to hundreds of Maine citizens who might well choose to run as an independent in the future. If the Legislature intended the slap for the Governor, it failed in its mission because this Governor has run his race and won and has told the people of Maine he won't seek re-election.

So, if the legislation was intended on the part of the political parties to be retaliatory, it is unfortunate that the retaliation had to be against the citizens of Maine.

I also would express grave concern for the constitutionality of this legislation since recent court rulings have consistently struck down legislation that

makes it more difficult for voters and candidates to participate in the election process.

I sincerely request that this veto be sustained for the good of the citizens of this state who deserve better from their government in these difficult days than to have new laws which will take away still more of their freedoms placed on the books. (H. P. 1632)

Very truly yours,  
JAMES B. LONGLEY

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill, "An Act Concerning Candidates for Public Office who are Running as Independents" (H. P. 953) (L. D. 1192) came from the House with the following endorsement:

In the House May 23, 1975, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

112 voted in favor and 28 against, and accordingly, it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

(Signed)

EDWIN H. PERT  
Clerk of the House

The PRESIDENT: The pending question is: Shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays". A vote of "Yes" will be in favor of the Bill; a vote of "No" will be in favor of sustaining the veto of the Governor. Is the Senate ready for the question?

The Secretary will call the roll.

#### ROLLCALL

YEAS: Senators Cianchette, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Huber, Jackson, Johnston, Katz, Marcotte, Merrill, O'Leary, Pray, Speers and Trotzky.

NAYS: Senators Berry, R. N.; Carbonneau, Clifford, Gahagan, Graffam, Graham, Greeley, Hichens, McNally, Reeves, Roberts, Thomas and Wyman.

ABSENT: Senator Berry E. F. Jr.

A roll call was had. 18 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with one Senator being absent, and 18 being less than two-thirds of the membership present, the veto of the Governor is sustained.

State of Maine  
Office of the Governor  
Augusta, Maine  
04330

May 21, 1975

To the members of the Maine House of Representatives and Senate of the 107th Maine Legislature:

I am today returning to the Legislature, without my signature and approval, L. D. 1631, An Act to Provide for Reimbursement of Court Appointed Attorneys for Reasonable Disbursements Made on Behalf of their Clients.

I am disapproving of this piece of legislation because considerable research by my staff has shown that there are already provisions in State law to

reimburse court appointed attorneys for reasonable expenses incurred in defense of indigent clients. My research also has shown that enactment of this legislative document would cost taxpayers of Maine an additional \$78,000 a year.

In effect, I feel this piece of legislation would make it easier for a few attorneys to abuse a procedure already provided for in receiving reimbursement in indigent cases. I am convinced that a majority of the lawyers in Maine are doing outstanding jobs when they are appointed to represent indigent clients, and I am certain, based on the information we have received from top court officials, that the courts are presently reimbursing lawyers for reasonable out-of-pocket expenses. I, therefore, feel there is no need for this legislation which I feel would serve to open the door for abuses.

In addition, as a member of the Maine and American Bar Associations, I am calling on attorneys, as Governor of Maine, to demonstrate the greatest spirit of volunteer service in helping those less fortunate. While organizations have come into being to help the indigent and those unable to pay, I feel lawyers in this State and nation need to emulate the volunteer spirit of other groups in sharing themselves and their talents. (H. P. 1633)

Sincerely,

JAMES B. LONGLEY  
Governor

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File in concurrence.

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

Came from the House with the following endorsement:

In the House, May 23, 1975, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objection of the Governor?"

103 voted in favor and 35 against, and accordingly, it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

Signed

EDWIN H. PERT  
Clerk of the House

The PRESIDENT: The pending question is: Shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays". A vote of "Yes" will be in favor of the Bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I would just like to say a word on this. This veto shows a lack of cooperation from the Governor's office very definitely. As I understand it, there was an error discovered when they were considering signing the bill. It would have been very easy at that time for the Governor to call in the sponsor of the bill and say, "Do you realize that there is an error in the wording and the bill doesn't do what I think you intend it to do? Instead of doing that, he simply vetoes the bill.

We have talked here before about cooperation between the legislature and the Governor, and I think that should be a two-way street. This \$78,000 figure is in error. The state is already spending much of that money to do what they claim the new bill does. I further understand that if this veto is overridden that that error in the bill will be straightened out in the errors and inconsistencies law. I think that is the way we should go, and I think we should ask the Governor to consider the various legislators and sponsors of these bills before he vetoes a bill, to talk with them beforehand and to reason things out, and perhaps we wouldn't have to go through this process. So I think that we should override this veto, make that small correction in the errors and inconsistencies, and go along about our business.

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

The Secretary will call the roll.

#### ROLLCALL

YEAS: Senators Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Gahagan, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Speers, Thomas, Trotzky.

NAYS: Senators Berry, R. N.; Carbonneau, Cyr, Danton, Graffam, Katz, McNally, Roberts, Wyman.

ABSENT: Senator Berry E.

A roll call was had. 22 Senators having voted in the affirmative, and nine Senators having voted in the negative, with one Senator being absent, and 22 being more than two-thirds of the membership present, it was the vote of the Senate that the Bill becomes a law notwithstanding the objections of the Governor and was by the Secretary presented to the Secretary of State.

#### STATE OF MAINE

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

May 23, 1975

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

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on 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).

Respectfully,

Signed:

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Committee Reports House

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

Bill, "An Act Providing for a Bill of Rights for Law Enforcement Officers." (H. P. 1127) (L. D. 1428)

Bill, "An Act to Amend the General Assistance Laws." (H. P. 1032) (L. D. 1320)  
 Bill, "An Act to Allow Public Utility Rates under Bond." (H. P. 829) (L. D. 1012)

Bill, "An Act to Incorporate the Frye Island Village Corporation." (H. P. 1316) (L. D. 1652)

Bill, "An Act Relating to Inspection of Municipal Lockups and Jails." (H. P. 90) (L. D. 119)

Bill, "An Act to Exempt Certain Property Used as Housing for the Elderly from Property Taxation." (H. P. 1182) (L. D. 1475)

Resolve, Authorizing a Study of Traffic Flows in the Greater Augusta Area. (H. P. 1400) (L. D. 1687)

Bill, "An Act Relating to Delivery of Suspensions under the Motor Vehicle Laws." (H. P. 1199) (L. D. 1494)

Bill, "An Act to Authorize Municipal Officials to Place Traffic Signals on Portions of State Aid Roads which Pass Through Municipalities." (H. P. 1084) (L. D. 1364)

Bill, "An Act Relating to Farm Truck Registration." (H. P. 1057) (L. D. 1327)

**Leave to Withdraw**

The Committee on Health and Institutional Services on, Bill, "An Act to Clarify Municipal Obligations for Relief under the Pauper Laws." (H. P. 245) (L. D. 326)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Relating to Tax on Pari-mutuel Pools and State Stipend Law." (H. P. 1190) (L. D. 1486)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Relating to Certain Property and Excise Tax Exemptions." (H. P. 1263) (L. D. 1557)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Relating to Responsibility for Maintenance of Highways and Town Ways in Municipalities of Less than 5,000 Persons." (H. P. 1331) (L. D. 1643)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act to Allow Certain Island Residents Use of the Maine State Ferry at One-Half Fare." (H. P. 1391) (L. D. 1717)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on Legal Affairs on, Bill, "An Act to Dissolve Hospital Administrative District No. 3 in Aroostook and Penobscot Counties." (H. P. 932) (L. D. 1176)

Reported that the same be granted Leave to Withdraw.

Recalled from the legislative files pursuant to Joint Order (H. P. 1594).

Come from the House, Bill substituted for the Report and the Bill Passed to be Engrossed.

On motion by Mr. Corson of Somerset, the Bill was Substituted for the Report, Read Once and Tomorrow Assigned for Second Reading.

**Ought to Pass**

The Committee on Transportation on,

Bill, "An Act to Establish a Sign on the Maine Turnpike Near the Augusta Exit to Indicate the City of Hallowell." (H. P. 1309) (L. D. 1588)

Reported that the same Ought to Pass. Comes from the House, the Bill Passed to be Engrossed.

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

**Ought to Pass - As Amended**

The Committee on Local and County Government on, Bill, "An Act to Provide for the Appointment or Election of a Fire Chief in Each Municipality." (H. P. 1206) (L. D. 1499)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-390).

The Committee on Business Legislation on, Bill, "An Act to Increase Certain Volume Fees under the Maine Consumer Credit Code." (H. P. 1251) (L. D. 1532)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-415).

The Committee on Fisheries and Wildlife on, Bill, "An Act to Amend the Fishing Laws of the State of Maine." (H. P. 1250) (L. D. 1531)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-442).

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 the Bills, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Agriculture on, Bill, "An Act Relating to Dogs." (H. P. 1353) (L. D. 1630)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-416).

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

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

The Committee on State Government on, Bill, "An Act to Change the Participation of Employees in the Classified Service in Political Campaigns." (H. P. 1041) (L. D. 1331)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-364).

Come from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "B" (H-478) Thereto.

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

The Committee on Public Utilities on, Bill, "An Act to Incorporate Howland Water District." (H. P. 1198) (L. D. 1786)

Reported that the same Ought to Pass as

Amended by Committee Amendment "A" (H-430).

Come from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-338).

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

**Ought to Pass in New Draft**

The Committee on Agriculture on, Bill, "An Act to Conform the Pesticide Statutes to Federal Law." (H. P. 821) (L. D. 985)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1611) (L. D. 1890).

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

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

**Divided Report**

The Majority of the Committee on Liquor Control on, Bill, "An Act Relating to Services Provided by Private Clubs under the Liquor Laws." (H. P. 793) (L. D. 966)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-438).

Signed:

Senators:

GRAFFAM of Cumberland  
 CARBONNEAU of Androscoggin

Representatives:

PIERCE of Waterville  
 DYER of South Portland  
 RAYMOND of Lewiston  
 IMMONEN of West Paris

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

Signed:

Senator:

DANTON of York

Representatives:

LIZOTTE of Biddeford  
 TWITCHELL of Norway  
 MAXWELL of Jay  
 JACQUES of Lewiston  
 PERKINS of Blue Hill

Come 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. Danton of York then moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. SPEERS: Mr. President, I note the chairman of the committee is not present in the chamber at this time, and I wonder if someone would table this until later in today's session.

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

Thereupon, on motion by Mrs. Cummings of Penobscot, tabled until later in today's session, pending the motion by Mr. Danton of York to accept the Minority Ought Not to Pass Report of the Committee.

**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 Require the Profits Realized from the Seizure of Real Estate for Delinquent Taxes to be Returned to the Owner of the Real Estate." (S. P. 400) (L. D. 1286)

#### Leave to Withdraw

Mr. Curtis for the Committee on State Government on,

Bill, "An Act to Establish the Office of Canadian Relations." (S. P. 294) (L. D. 1020) Reported that the same be granted Leave to Withdraw.

Mr. Collins for the Committee on Judiciary on,

Bill, "An Act Establishing Definite Maximum Terms of Commitment to Juvenile Training Centers." (S. P. 302) (L. D. 1026)

Reported that the same be granted Leave to Withdraw.

Mr. Collins for the Committee on Veterans and Retirement on,

Bill, "An Act to Amend Payment of State Distribution and Sale of Motor Fuels." (S. P. 204) (L. D. 737)

Reported that the same be granted Leave to Withdraw.

Mr. Collins for the Committee on Veterans and Retirement on,

Bill, "An Act to Amend Payment of State Retirement Benefits." (S. P. 393) (L. D. 1284)

Reported that the same be granted Leave to Withdraw.

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

#### Ought to Pass — As Amended

Mr. Thomas for the Committee on Business Legislation on,

Bill, "An Act to Increase Protection under the Uninsured Motorist Law." (S. P. 319) (L. D. 1096)

Reported that the same Ought to Pass Amended by Committee Amendment "A" (S-193).

Mr. Berry for the Committee on Health and Institutional Services on,

Bill, "An Act Amending Laws Relating to Hospitalization of the Mentally Ill." (S. P. 368) (L. D. 1204)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-195).

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

Mr. Katz for the Committee on Education on,

Bill, "An Act to Clarify Certain Provisions in the Education Laws." (S. P. 418) (L. D. 1375)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-196).

Which report was read.

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

Mr. KATZ: Mr. President, this is the so-called errors and inconsistencies bill which will be around for the next two or three weeks. A little later on I will distribute an explanation of each section of this bill so that you will have it before you at the proper time.

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

Thereupon, the Ought to Pass as Amended 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 Speers.

Mr. SPEERS: Mr. President, I would like to ask a question regarding Committee Amendment "A" at this time. This is Filing No. S-196, and from a very brief perusal of the amendment there is one question that strikes me immediately in the first section on the first page of the amendment, regarding the necessity of the Commissioner of Education and Cultural Services to approve or disapprove of all school bus purchases. The section then goes on to state that the school directors are authorized to procedure short term loans for the purchase of school buses when such authorization has been approved at the annual budget meeting. My question specifically would be whether or not if the annual budget meeting does approve a short term loan, would the purchase still require the approval of the Commissioner of Educational and Cultural Services?

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the answer is in the affirmative.

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

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

#### Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Relating to Educational Benefits for Dependents of Veterans and Prisoners of War and Those Missing in Action." (S. P. 118) (L. D. 383)

Reported that the same Ought to Pass.

Signed:

Senator:

O'LEARY of Oxford

Representatives:

LAVERTY of Millinocket

CURTIS of Rockland

POWELL of Wallagrass Pt.

THERIAULT of Rumford

KELLEY of Machias

USHER of Westbrook

NADEAU of Sanford

MacEACHERN of Lincoln

MORTON of Farmington

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

Signed:

Senator:

COLLINS of Knox

Representative:

LEONARD of Woolwich

Which reports were Read.

Thereupon, on motion by Mr. O'Leary of Oxford, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Provide for a Student Member of the Board of Trustees of the University of Maine and to Delete

Certain Obsolete Transitional Provisions from the Statutes Governing Appointment of that Board of Trustees." (S. P. 427) (L. D. 1393)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-194).

Signed:

Representatives:

POWELL of Wallagrass Pt.

INGEGNERI of Bangor

CARROLL of Limerick

FENLASON of Danforth

CONNALLY of Portland

TYNDALE of Kennebunkport

MITCHELL of Vassalboro

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

Signed:

Senators:

KATZ of Kennebec

BERRY of Androscoggin

THOMAS of Kennebec

Representatives:

LYNCH of Livermore Falls

BAGLEY of Winthrop

LEWIS of Auburn

Which reports were Read.

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

Mr. CURTIS: Mr. President, this is a bill which I sponsored, and I did so hoping that one of the goals that was expressed previously to the legislature in a joint address to the legislature by the Governor would be met, and that is to sort of have a consumer on all the boards and commissions of the state. In this particular instance the attempt was to provide for a student member of the board of trustees of the University.

I would like to pose a question to any member of the committee, and I see that all three Senators signed ought not to pass, as to what their observations and thoughts were regarding the goal of the bill that I presented to them.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the approach taken by the good Senator from Penobscot, Senator Curtis, is the first step in the development of a constituency board of trustees, where people on the board of trustees would represent specific groups. Not at all surprisingly, we immediately had a request from faculty to be represented on the board of trustees.

The basic decision is should the board of trustees, which is the governing body of this great institution, be representative of a broad cross-section of the public and be singularly public members, or should we attempt to set up a constituency service where there would be a student to represent the students, a faculty member or two to represent the faculty. The attitude of those in the Senate who signed the ought not to pass report was that we felt this was an unwise step.

I might direct your attention to the bill itself, actually which is all found within the committee amendment. It increases the number of trustees. The student would be appointed for only a year, and he might receive reappointment for one more year. He would be appointed by the Governor, with the advice and consent of the Council, but the name, as I recall it, would be given to the Governor by representatives of a

systemwide student representative body which has no being in law and could very well be a transitory or temporary organization.

But when you come right down to it, it was the feeling of those of us who opposed it that this is an unwise step in trying to set up a constituency assembly, that a student two was on for a single year could not possibly make any singular contribution, and the interests of the public would not be served. We were very sorry to disappoint our outstanding colleague from Penobscot.

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

Mr. CURTIS: Mr. President and Members of the Senate: The board of trustees at the University of Maine has in the past had constituent members. There was at one time an alumni member so designated in the private laws which established the board of trustees at the University. That no longer exists in the private law, and the attempt that I am making, as the good Senator from Kennebec has just described, is to do that with students. I think it is a reasonable one. As far as the details of the committee redraft, Committee Amendment "A", I think again some of these specific provisions, such as the length of the term of office of the student member of the board of trustees, would be open to some discussion and debate and possible amendment at a second reading, and I hope the bill receives a second reading. Mr. President, I would ask for a division on the vote.

The PRESIDENT: The pending motion before the Senate is the acceptance of the Minority Ought Not to Pass Report of the Committee. Will all those Senators in favor of accepting the Ought Not to Pass Report of the Committee please rise in their places until counted.

A division was had. 27 having voted in the affirmative, and three having voted in the negative, the Minority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Authorize Bond Issue in the Amount of \$1,050,000 for Acquisition and Construction of Facilities for the Care and Treatment of the Severely and Profoundly Mentally Retarded." (S. P. 172) (L. D. 623)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York  
GREELEY of Waldo  
BERRY of Androscoggin

Representatives:

GOODWIN of So. Berwick  
KENNEDY of Gray  
SPROWL of Hope  
LaPOINTE of So. Portland  
LOVELL of Sanford  
LAVERTY of Millinocket  
POST of Owl's Head  
MORIN of Old Orchard Beach  
CURRAN of So. Portland

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

Signed:

Representative:

HENNESSEY of West Bath

Which reports were Read.

Mr. Danfon of York then moved that the Senate accept the Minority Ought to Pass Report of the Committee.

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

Mr. HICHENS: Mr. President, I rise in opposition to that motion. This is a very delicate subject. The committee went over it, over it, and over it many times before making their decision. But we felt at this time that it wasn't feasible to construct or put out a bond issue for a facility so close to the Pineland facility which we now have.

A couple of years ago, as you will remember, those who were in the Senate at that time, I had a bill in to buy a facility down in Kittery, which was some distance away from Pineland, down in the York County area, and in their wisdom the Appropriations Committee voted against purchasing that facility. Now at the present time we have a bill before us to have a bond issue for \$1,050,000 to build a facility in the South Portland area. This isn't more than 25 miles away from the Pineland facility, where we have plenty of land, where we don't have to purchase land, where we possibly wouldn't even have to purchase a building; they might be able to use the same facilities. The committee felt in that regard that they should stay along with the Pineland area and go with the facility there, and include the programs which we hope to include in this bond issue facility.

Another point is that in the plans that were given to us they wanted to set up a cottage set-up, purchase this land, and some five or six acres to go along with it. These patients which would be at this facility would not appreciate a cottage setup. These are profoundly retarded youngsters who are deformed, youngsters that very seldom even know their own family, let alone other people coming in, and it would not add to their benefits, and it would not add to the benefits of the community to have such a facility set up in the Portland area.

So with these things in mind, and also the economy situation which we are having now, and the arguments that we wouldn't be paying for it out of our own pockets — but we would be passing it onto our children, who are going to have all they can do to pay the bills which we are setting up for them at the present time — with those things in mind, twelve members of the committee voted against this bond issue at this time.

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

Mr. CONLEY: Mr. President and Members of the Senate: First I would like to thank the good Senator from York, Senator Hichens, for his explanation as to why the committee signed the bill out in the manner it has. But secondly, I am a little disturbed that it is reported out in that manner because, one, there was a very large turnout of proponents for this measure before the Committee on Health and Institutional Services, and secondly, there was not one opponent to the bill.

Now, there is no language within the legislative document that specifically states that this center would be built in the Portland area. It is supposed to be built in southern Maine. And I can assure you that after speaking with a very large number of parents of retarded and severely handicapped children, it was they who initiated this bill and worked and coordinated their efforts through the

Department of Mental Health and Corrections.

I am disturbed that the good Senator from York, Senator Hichens, would try to confuse the Senate by relating this to the same type of project that was heard by previous legislature. In fact, as a member of the Appropriations Committee, I think that committee really took a tremendous amount of time to secure, or to at least look into and investigate the possibility of securing the hospital that was up for sale down in the York County area.

I would say that what we are talking about here right now is youngsters up to the age of five years of age, and that the project that is before you this morning is a very similar one in nature to that of the Levinson Center in Bangor. It is to give relief to those parents who have youngsters up to the age of five years of age, unless there is something developed, unless there is something put together, neither these children nor their parents are going to receive any relief.

It would be my hope that the Senate would adopt the minority ought to pass report, and at least give it an opportunity to go back to the other body and get some feeling as to what the legislature really feels on this legislation.

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

Mr. HICHENS: Mr. President, I would just add a few more remarks to those given by the good Senator from Cumberland, Senator Conley. It is true there were several proponents for the bill, but all of these people, to my knowledge, except the sponsor were employed by the Department of Mental Retardation, who are trying to phase out Pineland, regardless of what they may keep telling you. They are phasing out different aspects of it and this would be another measure which would go along with the phasing out of that facility.

The Waban Association for Retarded Citizens were against the bill and sent letters to the committee asking us to vote against it. And the Maine Association for Retarded Citizens themselves are very lukewarm as to whether we need this facility outside of the Pineland area or not.

As the good Senator stated, it would be something similar to the Levinson Center, but the set-up of these cottage buildings would not be feasible at all with children under five years of age. They wouldn't appreciate the idea of a cottage set-up like we have for the regular mentally retarded children over in the Waterville area. That setup is very good and would work well, but with these youngsters who, as I said before, do not have the capabilities of even recognizing their own families and wouldn't appreciate a family setting at all, we do not feel that it is feasible at this time.

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

Mr. CONLEY: Mr. President, I wish to dispute the good words of the good Senator from York, Senator Hichens. One, there were many, many, many parents of retarded children who appeared before the hearing, not several. Secondly, to my knowledge, none of them were employed by a group called "The Phase-out Divisions of Pineland." Thirdly, Camp Waban did not appear before the committee in opposition, and had given me words to the effect that they were not going to become involved. It is unfortunate that Camp Waban has been brought into this debate, because I have been told by a

member of the department that the people of Waban had originally offered the Department of Mental Health and Corrections several acres of land down at Camp Waban for the sole purpose of building these facilities there. But it is the theory of the department to get away from this sort of institutionalizing people within part of parochial areas, and they want to get them closer to communities whereby they can be serviced by major hospitals and so forth.

Now, there is absolutely no guarantee that this institution or these buildings would be built in the Portland area. It is very possible that they would be built in the Biddeford area or through the Saco area. My only concern is to provide those services that are needed for these children up to five years of age. I don't care what the good Senator from York, Senator Hichens, says, to me it is a program that is geared primarily to give relief to parents and also to aid those children up to five years of age. And I am sorry, but I call it politics, if you want to call it that, but the politics of southern York have become involved in this piece of legislation, because I think it is to the detriment of those children throughout Southern Maine that need a facility such as this for help. I again would ask the Senate to accept the Minority Report.

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

Mr. DANTON: Mr. President and Members of the Senate: I co-sponsored this bill simply because I was interested in a facility like this in Southern Maine. Five years ago when I was a freshman here in the Maine Senate, this couple in my community, the City of Saco, had such a child. At that time the Levinson Center in Bangor wasn't completed. They wouldn't take their child into Pineland because the child was two or three years old at the time. The only way they could help them was if they would have taken and signed their child over to the state and for the child to become a ward of the state. The parents didn't want to do that, they loved their child, so they brought their child to a home in Manchester, New Hampshire. You can imagine a young couple with two other children and a profoundly retarded child, having a child in a home in Manchester, New Hampshire, paying \$265 a month, plus trying to make their mortgage payments on their home, their automobile payments, and bringing up their other two sons besides. They did this for quite a period of time.

Finally the Levinson Center opened, and through a lot of work put in by myself and another legislator who was here at the time, we got the department to place the child in the Bangor institution. But this couple every Saturday or Sunday travels all the way to Bangor to see their child. And like the good Senator said, it is true, this child doesn't know whether it is the parents or whoever may be there; it is just profoundly mentally retarded.

We need another center like this. I forget what the beds are up in Bangor I am quite sure Senator Hichens knows — it is either 40 or 80 beds, but we certainly need another center in the Southern part of the state. I hope it is built in York County, but I wouldn't care if it was in the Portland area. But we certainly do need this bill, and I hope you would support my motion to accept the Ought to Pass Report.

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

Mr. HICHENS: Mr. President and

Members of the Senate: I do not want the impression given that I am against doing all that I can for the mentally retarded in the State of Maine. I don't think since the time I joined the Senate that anyone had put more time in or given more concern to the problems of the mentally retarded I have. I am very much concerned with them and for their welfare. I did all I could when I was a member of the House to promote the Levinson Center, and I thought it was badly needed. I can almost brag today that the reason that this youngster that the good Senator from York mentioned is in the Levinson Center is because I interceded and made sure that he got there, and I have a great compassion for this family.

But I do not feel that we should spend all of this extra money just to have a facility in one certain area where we can have that same facility at a much less price at the Pineland facility, with all of the accessible nurses, doctors, and all of the hospital services provided right there at much less cost than building a brand new facility.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Danton, that the Senate accept the Minority Ought to Pass Report of the Committee. The Chair will order a division. Will all those Senators in favor of accepting the Ought to Pass Report of the Committee please rise in their places until counted.

A division was had, 15 having voted in the affirmative, and 14 having voted in the negative, the Minority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Judiciary on, RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Requirement for Indictment by a Grand Jury After Finding of Probable Cause by a Court of Competent Jurisdiction. (S. P. 247) (L. D. 820)

Reported that the same Ought to Pass.

Signed:

Senators:

COLLINS of Knox  
CLIFFORD of Androscoggin  
MERRILL of Cumberland

Representatives:

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

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

Signed:

Representatives:

HENDERSON of Bangor  
McMAHON of Kennebunk

Which reports were Read.

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

#### Second Readers

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

#### House - As Amended

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

Bill, "An Act Relating to Protective Custody of Children under Health and Welfare Laws." (H. P. 1577) (L. D. 1880)

Bill, "An Act Authorizing the County Commissioners of the Various Counties to Expend Funds for the Purchase of Real Estate." (H. P. 1165) (L. D. 1464)

Bill, "An Act to Promote Efficiency in Public Utilities." (H. P. 1315) (L. D. 1633)

Bill, "An Act to Establish the Maine Building Code." (H. P. 1346) (L. D. 1810)

(On motion by Mr. Corson of Somerset, tabled and Specially Assigned for May 29, 1975, Pending Passage to be Engrossed.)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed, as Amended, in non-concurrence.

Sent down for concurrence.

#### Senate

Bill, "An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1975." (S. P. 534) (L. D. 1902)

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

Sent down for concurrence.

Bill, "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State." (S. P. 533) (L. D. 1901)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-199, was Read.

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

Mr. SPEERS: Mr. President, may I ask the filing number of Senate Amendment "A"?

The SECRETARY: The filing Number is S-199.

Mr. SPEERS: Mr. President, I would ask a question of the Chairman of the Committee on County and Local Government, whether or not this amendment was presented in committee and what disposition was made of it at that point. I note that the amendment would increase the salary of the sheriff of Oxford County from \$8,375 presumably, as was reported out in the bill from the committee, to \$10,175.

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: The reason that the amendment is put on is that in contractual services on the sheriffs department we had submitted \$1800 for subsistence to the sheriff, because he has been removed from his quarters at the county jail — that is what they call a halfway house at the present time, and under the law the sheriff can accept no more than his salary. In order to make this legal, we had to present this amendment for the \$1800, which is \$150 a month for subsistence to compensate for the removal of his residence from the jail.

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.  
Sent down for concurrence.

#### Enactors

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

An Act to Include Procedures Performed by Dentists and Dental Hygienists under Health Insurance Policies and Health Care Contracts which Pay Benefits for those Procedures if Performed by a Physician. (S. P. 136) (L. D. 440)

An Act Increasing the Number of Associate Justices of the Supreme Judicial Court. (S. P. 147) (L. D. 510)

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

An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services. (S. P. 202) (L. D. 669)

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

An Act to Clarify the Laws Relating to Human Rights. (H. P. 187) (L. D. 224)

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

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

An Act to Amend the Charter of the Searsport Water District. (H. P. 1235) (L. D. 1795)

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

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

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

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

Which, except for the tabled matters, 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 Relating to Motor Vehicle Excise Tax. (S. P. 293) (L. D. 1018)

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

Mr. MERRILL: Mr. President, this item has been debated to some extent here in this Senate on two separate occasions. The first time it was debated the Senate decided to put an end to this bill, and then later it was brought back and the Senate changed its mind. It is my hope that the Senate can change its mind once gain as this thing heads for enactment and put an end to this small mischief maker.

We have now a system of certainty that provides that a town where the corporation resides is where the excise tax will be paid. If we move away from this system, we are going to find that we are creating a system that doesn't provide for fair equitable collection of these taxes. I would ask that the Senate give some consideration to the whole subject of making certain that our taxes are collected when they vote on this item. I think if there is anything that the people are upset about, it is when

legislators pretend to enact a tax or set up a taxing system that seems to be fair and then to provide for these loopholes and these devices that can defeat that very tax. For that reason, I would move that we indefinitely postpone L. D. 1018, and I would ask that the Senate vote with me on this and put to final rest this small mischief maker that would be one more little hole in the side of a fair taxation system that provides for easy efficient and honest collection.

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

Mr. CURTIS: Mr. President and Members of the Senate: This bill which has been described as a small mischief maker is something that is near and dear to my heart, and I have been working for it for six years now. It is a bill which will, as we have debated and discussed extensively in the past, provide equity among domestic and foreign corporations as they excise their motor vehicles. With its amendment it is highly workable.

The Senate has already voted its position, once before on a roll call, so I hope that my colleagues will join me in voting down the pending motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that L. D. 1018 together with its accompanying papers be indefinitely postponed.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

The PRESIDENT: The Senator from Kennebec, Senator Katz, requests a roll call. 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 Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I have just one question: What can be more equitable than to have these taxes paid to the towns which furnish the services for these particular vehicles about which we are talking? It seems to me that that is equity, rather than have it go to one central office where there may not be any vehicles maintained.

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

Mr. CIANCHETTE: Mr. President, I would answer that question briefly. I think the present system is more equitable because the present system does not allow for a bidding process on excise taxes. I would just like to say and quote the Senator from Penobscot, Senator Cummings, back here earlier in the session when she read us a little quote something like, "Legislators spend as much time correcting their old mistakes as they do making new ones." I think this is a perfect opportunity for us to make a mistake and come back in a few years and correct it after the mess has been discovered.

The PRESIDENT: The Chair recognizes

the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: The home city of a corporation is a matter of fact in legal record. The garaging of a car or motor vehicle frequently is a matter of opinion, the principal garaging of a motor vehicle. If you address your attention to the clarifying amendment, what the amendment does is to single out the construction industry as an exception to this law. In the process of trying to clarify it, I predict that you are going to open a can of worms as to what a construction industry exception is, and whether or not a particular firm is properly in the construction industry. I think you are taking a very simple law that some towns don't like and making it into a real can of worms.

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

Mr. CURTIS: Mr. President, just to be sure that everybody understands, there is no bidding procedure available now or legal now, and there would be no bidding procedure legal in the future if this bill is enacted, and I hope it is.

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

Mr. MERRILL: Mr. President, I think if we just look the other way and pretend we are not opening this up for a bidding procedure then we are stepping directly in the face of what past experience is. There was a time, as I understand it, when this requirement that the vehicles be registered with the home of the corporation wasn't strictly enforced and wasn't strictly watched over, and what went on was that owners of large fleets of vehicles did negotiate with small towns which would have a great increase in revenue by those vehicles being reported there and paying their taxes there, and those towns were more than happy under the pressures of the economy, as we all know them, to look the other way in terms of having a fair and honest assessment of the value of those vehicles.

Through the interest of some people that got tired of playing this blackmail game, this law that has been on the books was started to be enforced, and as a result of being enforced, we have now fair equitable taxation system where it is absolute certainty where the people will pay the tax, and so it doesn't open it up to these practices. To pretend that something isn't going to go on, when we know that it has gone on in the past under similar circumstances, and nothing has changed, I think isn't responsible in light of the problems this bill poses.

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

Mr. CURTIS: Mr. President, if the Senator from Cumberland, Senator Merrill, knows of situations that have occurred in which there has been bidding on the amount of excise to be paid by motor vehicles, then he should report that situation to the Attorney General, which is exactly what should happen if this bill is enacted. There should be no blackmail, or any that there is would be illegal. I think that this is a diversionary tactic to kill a good bill, and I hope you will join me in voting no on the pending motion.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that L. D. 1018 and all

accompanying papers be indefinitely postponed. A roll call has been ordered. 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, R.N.; Carboneau, Cianchette, Clifford, Conley, Corson, Cummings, Cyr, Graham, Greeley, Huber, Katz, McNally, Merrill, Pray, Roberts and Trotzky.

**NAYS:** Senators Collins, Curtis, Danton, Gahagan, Graffam, Hichens, Jackson, Marcotte, O'Leary, Reeves, Speers, Thomas and Wyman.

**ABSENT:** Senators Berry, E.F., Jr.; and Johnston.

A roll call was had. 17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with two Senators being absent, the Bill and accompanying papers were indefinitely postponed.

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

Mr. **KATZ:** Mr. President, to lay this matter to rest, I move reconsideration.

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

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

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

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

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

On motion by Mr. Reeves of Kennebec, tabled and Tomorrow Assigned, pending Enactment.

#### Emergency

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

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

#### Emergency

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

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

#### Emergency

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

This being an emergency measure and having received the affirmative votes of 30 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.

#### Orders of the Day

The President laid before the Senate the

first tabled and Specially Assigned matter:

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

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-241) as amended by House Amendment "B" Thereto (H-374).)

(In the Senate — Committee Amendment "A" as amended by House Amendment "A" Thereto, Adopted in concurrence.)

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

Mr. **CURTIS:** Mr. President, I would make an inquiry to the Chair as to whether or not the printed calendar is in error regarding the House Amendment which has been added to this bill? It would be my understanding it is House Amendment "B", under filing H-374 rather than House Amendment "A".

The **PRESIDENT:** The Senator is correct, the calendar is in error. House Amendment "B" to Committee Amendment "A" has been adopted.

Mr. **CURTIS:** Mr. President, one of the primary effects of the amendment that we are talking about now, H-374 is the filing number, is to provide that a law which is initiated or approved by a vote of the people would be in a special category, that it could be amended only by either another vote of the people or by a two-thirds vote of both houses of the legislature, about half way between our regular procedure for adopting a law and a change in the constitution. The Committee felt strongly that an initiated bill ought to be treated the same as any other law. It just has a different way of getting enacted. For that reason, Mr. President, I move reconsideration of the action by which the Senate adopted House Amendment "B" to Committee Amendment "A" under Filing H-374.

The **PRESIDENT:** The Senator from Penobscot, Senator Curtis, now moves that under suspension of the rules the Senate reconsider its action whereby House Amendment "B" to Committee Amendment "A" was adopted.

Thereupon, under suspension of the rules, the Senate voted to reconsider its action whereby Committee Amendment "A", as Amended by House Amendment "B" Thereto, was Adopted. Under further suspension of the rules, the Senate voted to reconsider its action whereby House Amendment "B" to Committee Amendment "A" was Adopted.

On subsequent motion by Mr. Curtis of Penobscot, House Amendment "B" to Committee Amendment "A" was Indefinitely Postponed in non-concurrence, and Committee Amendment "A" was then Adopted.

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

Mr. **CLIFFORD:** Mr. President and

Members of the Senate: As I understand this resolution, it is an attempt to clarify the initiative referendum petition procedure. From the debate that we have had in the Senate on the Bigelow initiated referendum petition, it seems to me that there is a problem which exists in the law concerning those statutes which require funding. It seems to me that that is the big problem on the Bigelow matter, and I wonder if I could address a question through the Chair as to whether or not this resolution addresses that problem. It seems to me that the problem with the Bigelow matter is that the Legislature cannot change anything in the bill. If the legislature does not enact the bill, it goes to referendum and the people are going to be voting on the acquisition of public lands, not really having a good idea on what the cost will be. I wonder if this has been addressed by the committee and those who are looking to approve the initiated process. I am a believer in the initiated process and I wonder if this problem has been addressed. I would hope at this time we could address it and avoid the situation we have at Bigelow.

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

Mr. **BERRY:** Mr. President and Members of the Senate: I am glad that Senator Clifford brought up the matter of the Bigelow problem. The constitution provides that the legislature, if it wishes, may put out competing questions for the people to vote on at the same time on initiative referendum is taken on a particular issue that was signed by the people who signed the petitions. This gives the legislature a chance to respond to the bill, and one of the problems I think we are facing in this Bigelow situation is: is the bill in proper form, in case it is passed, to be workable? The answer I do not have at the moment, and I would hope that when we come to this we will be able to table it for two days until we can get some more expert opinion. But in specific response to Senator Clifford's well thought out query, there is an avenue for the legislature to correct any errors in an initiative petition. I think it is workable and it can be done.

The **PRESIDENT:** Is it now the pleasure of the Senate that this bill as amended by Committee Amendment "A" be passed to be engrossed and sent down for concurrence?

It is a vote.

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

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

Tabled — May 20, 1975 by Senator Merrill of Cumberland.

Pending — Adoption of House Amendment "A" (H-253)

(In the Senate — Passed to be Engrossed, in concurrence.)

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

(In the Senate — House Amendment "C" to House Amendment "A", Indefinitely Postponed, in non-concurrence.)

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

Mr. **MERRILL:** Mr. President, I tabled

this item because there was some confusion in my mind as to what this bill was trying to do. I listened with interest when the Senator from Kennebec, Senator Katz, explained what this vehicle was trying to do, and also with sympathy. I think as to the argument he made for allowing a teacher who is allowed by the municipal charter to serve as a municipal officer, allowing him after he has abstained, as he must do under the law, from entering into the voting and the other procedures that go on in regards to the school budget that affects the contract, I agree with the sentiments expressed by the Senator from Kennebec, Senator Katz, that that teacher then should be able to enjoy that contract as just one of the teachers in the town.

What concerns me is that House Amendment "A" is, at best, ambiguous if its purpose is to accomplish that end. It amends L. D. 1339 by striking out all the language in that and replacing it with a lot of language, most of which is a repeat of what is presently in the law, but it provides at the end of the amendment to subsection 2 that, "except that teachers may serve as municipal officers." Now, it is my understanding from talking to people that are interested in this bill that they thought the "may" in the sentence should be operational so as not to insist that towns that have other provisions in their charter allow teachers to serve. But it seems to me "may" used in this context indicates that the option is up to the teacher, and when we say "teachers may serve," as we do in this sentence, that means that they may if they wish. So it at least raises an ambiguity in regards to the charters of the towns, and it may in fact be read by the courts to overrule the provisions in the charters which do not allow this to take place. The new subsection 2 in this bill, which would be subsection 4 of section 2251, also I think is ambiguous in doing what it attempts to do, which is to provide that the teachers may benefit from those contracts that the teacher or teachers who serve on the municipal board may benefit from those contracts once they have abstained from engaging in the process.

All this leads to my conclusion that this amendment is a much worse vehicle to accomplish what the sponsors of this bill would hope to accomplish than the previous bill. For that reason, I move at this time that we indefinitely postpone House Amendment "A", and would ask that we then pass 1339 as it was written in the first instance. If this is unacceptable to the sponsors, they will have a chance to work on it when it goes back in non-concurrence.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that House Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

Thereupon, House Amendment "A" was Indefinitely Postponed in non-concurrence and the Bill Passed to be Engrossed.

Sent down for concurrence.

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

HOUSE REPORTS — From the Committee on Business Legislation — Bill, "An Act to Require Returnable Beverage Containers." (H. P. 745) (L. D. 913) Report "A" — Ought to Pass in New Draft under same Title: (H. P. 1609) (L. D. 1888);

Report "B" — Ought to Pass in New Draft under same Title: (H. P. 1610) (L. D. 1889); Report "C" — Ought Not to Pass.

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

Pending — Acceptance of Any Report.

(In the House — Bill, in New Draft (H. P. 1609) (L. D. 1888), Passed to be Engrossed.)

On motion by Mr. Thomas of Kennebec, the Ought to Pass in New Draft Report "A" of the Committee was Accepted in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

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

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

Tabled — May 21, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone Senate Amendment "A" (S-176).

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

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

Thereupon, on motion by Mr. Reeves of Kennebec, retabled until later in today's session, pending the motion by Mr. Cyr of Aroostook to Indefinitely Postpone Senate Amendment "A".

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

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

Tabled — May 22, 1975 by Senator Katz of Kennebec.

Pending — Consideration.

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-134).)

(In the House — Bill and Accompanying Papers Indefinitely Postponed, in non-concurrence.)

On motion by Mr. Katz of Kennebec, retabled and Specially Assigned for May 29, 1975, pending Consideration.

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

Joint Order — Relative to Legislative Council being authorized through the Committee on Local and County Government to study the subject matter of L. D. 124, L. D. 1307, and L. D. 1819. (S. P. 529)

Tabled — May 22, 1975 by Senator Cummings of Penobscot.

Pending — Passage.

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

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

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

Tabled — May 22, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-178), Adopted.)

Mr. Katz of Kennebec then moved the pending question.

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

Sent down for concurrence.

The President laid before the Senate the eighth 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 22, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

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

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

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

Mr. REEVES: Mr. President, after much debate on the right to know bills in an earlier session, I have now really come to the opinion that this part of this subject, that this part of the right to know law that is encompassed in 899, does need further study, and I think that is the proper course for the Senate to take at this time.

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

On motion by Mr. Clifford of Androscoggin, and under suspension of the rules, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-187, to Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Corson of Somerset, retabled until later in today's session, pending Adoption of Senate Amendment "A" to Committee Amendment "A".

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

Senate Report — from the Committee on State Government — Bill, "An Act to Authorize the Governor's Committee on Children and Youth to Accept and Administer Certain Available Funds." (S. P. 138) (L. D. 442) Ought to Pass as amended by Committee Amendment "A" (S-189).

Tabled — May 23, 1975 by Senator Gahagan of Aroostook.

Pending — Acceptance of Report.

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

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

Senate Reports — from the Committee on Taxation — Bill, "An Act Relating to Exemption of the East Auburn Community Unit, Inc., from Property Taxes." (S. P. 482) (L. D. 1613) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — May 23, 1975 by Senator Merrill of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Conley of

Cumberland, retabled and Specially Assigned for May 30, 1975, pending Acceptance of Either Committee Report.

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

Bill, "An Act Establishing the Lewiston-Auburn Airport Authority." (H. P. 1580) (L. D. 1881)

Tabled — May 23, 1975 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed. (In the House — Passed to be Engrossed as amended by House Amendment "A" (H-433).)

(In the Senate — House Amendment "A" Adopted.)

On motion by Mr. Clifford of Androscoggin, retabled and Specially Assigned for May 30, 1975, pending Passage to be Engrossed.

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

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

Tabled — May 23, 1975 by Senator Collins of Knox.

Pending — Adoption of Senate Amendment "A" (S-192).

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-266) as amended by House Amendment "A" Thereto. Adopted in

(In the Senate — Committee Amendment "A" as amended by House Amendment "A" Thereto, Adopted in concurrence.)

On motion by Mr. Corson of Somerset, retabled until later in today's session, pending Adoption of Senate Amendment "A".

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

Bill, "An Act Relating to County Administration of Certain Federal Programs." (S. P. 416) (L. D. 1312)

Tabled — May 23, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

Mr. Jackson of Cumberland moved that the Bill and accompanying papers be Indefinitely Postponed.

Mr. Conley of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Jackson of Cumberland to Indefinitely Postpone the Bill and accompanying papers.

On motion by Mr. Jackson of Cumberland, a division was had. 19 having voted in the affirmative, and 12 having voted in the negative, the tabling motion prevailed.

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

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

Tabled — May 23, 1975 by Senator Katz of Kennebec.

Pending — Enactment. (In the House — Indefinitely Postponed.)

On motion by Mr. Katz of Kennebec,

retabled until later in today's session, pending Enactment.

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

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

Tabled — May 23, 1975 by Senator Speers of Kennebec.

Pending — Motion of Senator Curtis of Penobscot to Reconsider Action whereby the Governor's Veto was Sustained.

(In the House — It was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor.)

Thereupon, a division was had. 16 having voted in the affirmative, and 14 having voted in the negative, the motion to Reconsider prevailed.

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

Mr. SPEERS: Mr. President, in view of certain comments that have been made and reasons given regarding vetoes of this and other bills, I think it is incumbent upon the Senate and upon the other body to put on the record certain facts. The charge has been made and will be made, I am sure, repeatedly over the next year that there has been a concerted effort on the part of the parties, the political parties which are organized in this state, to pass these bills over the Governor's veto. I don't really expect that a flat statement regarding the charge will be particularly believed or that it will allay the comments from being made again and again over the next year, but I do think it important for the record at least to have the facts in black and white.

The fact of the matter is that there has been no concerted effort on the part of the political parties, certainly in this body, to override these vetoes. I think the record of the voting on these particular matters will certainly show that to be the case. I think it is important for the record to have that established as a fact, regardless of what has been said or what will be said.

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

Mr. MERRILL: Mr. President, I would like to inquire through the Chair or any member of the Election Laws Committee, or anyone else who may care to answer, am I correct in my understanding of Legislative Document 35 that it does not affect people who seek election through putting their name on the ballot by petition instead of the primary process? Am I correct in my reading of this bill that it affects only those people who seek election through the nomination by a party in a primary election?

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

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: In answer to the question posed by the Senator from Cumberland, Senator Merrill, the answer is that one, if does not in any way affect an independent candidate who is seeking to place his name on the November ballot by means of the petition process. It deals only with persons who are seeking their party's nomination in the primary. I will add, too, since there seemed to be some confusion last time on this, it in no way affects in any way, shape or manner anyone who seeks to

get his name on the ballot by the write-in process.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays". A vote of "Yes" will be in favor of the Bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

**ROLL CALL**  
YEAS: Senators Cianchette, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Graffam, Greeley, Hichens, Huber, Jackson, Johnson, Marcotte, Merrill, O'Leary, Pray, Speers, Thomas, Trozky, Wyman.

NAYS: Senators R. Berry, Carbonneau, Clifford, Gahagan, Graham, Katz, McNally, Reeves, Roberts.

ABSENT: Senator E. Berry.

A roll call was had. 22 Senators having voted in the affirmative, and nine Senators having voted in the negative, with one Senator being absent, and 22 being more than two-thirds of the membership present, it was the vote of the Senate that the Bill becomes a law notwithstanding the objections of the Governor and was by the Secretary presented to the Secretary of State.

There being no objections, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

On motion by Mrs. Cummings of Penobscot,

Recessed until 5 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 Establish Purchasing Procedures for the Legislature." (H. P. 1595) (L. D. 1885)

In the Senate May 19, 1975, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed without reference to Committee, in non-concurrence.

Mr. Berry of Cumberland moved that the Senate Adhere.

Mr. Cianchette of Somerset then moved that the Senate Recede and Concur, and the Chair ordered a division.

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

Mr. Conley of Cumberland then moved that the bill be tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Cumberland that the Senate Adhere.

On motion by Mr. Speers of Kennebec, a division was had. 14 having voted in the affirmative, and 18 having voted in the negative, the tabling motion did not prevail.

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

Mr. CONLEY: Mr. President and Members of the Senate: It is my understanding that this L.D. is a bill that can save the state considerable monies when it puts out the printing for legislative documents. It seems to me sort of strange for a legislature that seems to be so

conscious of trying to save dollars that we would not want to accept this bill in this form. This is something that has been discussed in leadership, and I am sort of surprised at this time to see the Senate indefinitely postpone this bill.

Again, it would be my hope that the Senate would reconsider its position and to adopt this legislation which is in the best interest of everybody, and I request a roll call.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Berry, that the Senate Adhere. 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 members 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 Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, this is certainly not the most momentous piece of legislation to come before this body. The good Senator from Cumberland, Senator Conley, has made mention of the fact that this had been discussed in leadership, and he is quite correct, it has been discussed in leadership. It is the conclusion of leadership that this is an objective that can be done without the necessity of putting it on the statutes and putting it in the statute books and with all the concomitant expenses of placing it on the statutes. This is simply a matter that can be done through the direction of the leadership of the legislature. It is a matter that had already been done through the direction of the leadership of the legislature in this session, and there has been quite a bit of money already saved by the leadership, as the good Senator already knows, the leadership on both sides of the aisle in both branches of this legislature. And to attempt to state that a vote against this particular bill is a vote to ignore the possibilities of saving money is simply not the case, and the good Senator realizes that, I am sure.

But, Mr. President, it is simply a matter of speeding up the procedures toward adjournment that this matter was not brought in before the cloture date. In fact, it was only proposed some several days ago. So a vote against this bill is not a matter of turning one's back upon the idea of saving money for the legislature, because that can be done very simply by the legislative leadership, and I would hope that the members of this body would have a great deal more faith in the leadership of both branches of this legislature than a vote for this particular bill would so indicate.

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

Mr. CONLEY: Mr. President and Members of the Senate: I agree with some of the remarks made by the good Senator from Kennebec, Senator Speers, that this body certainly has the luxury of having leadership that is consistent with trying to save dollars. However, by enacting this legislation, it sort of protects future legislators in coming in that this is the procedure that shall be followed. It has not always been the practice of legislature in the past to do what have been recommended with this item before us or the practice that has been followed by the

present Secretary of the Senate or the Clerk of the House.

I think what this bill primarily does is set in the law exactly the procedures that shall be followed. And again, I think it makes damn good sense — excuse me, sir — and I would hope the Senate would vote against the motion to adhere.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Berry, that the Senate adhere. A "Yes" vote will be in favor of adhering to our previous position; a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

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

NAYS: Senators Berry, E.F., Jr.; Carbonneau, Cianchette, Clifford, Conley, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray and Reeves.

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

**Non-concurrent Matter**

Bill, "An Act Relating to the Sale of Crawfish." (S. P. 104) (L. D. 359)

In the Senate May 21, 1975, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-154).

Comes from the House, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Mr. Graffam of Cumberland moved that the Bill be tabled and Specially Assigned for May 29, 1975, pending Consideration.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Consideration.

**Joint Resolution  
State of Maine**

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

**In Memoriam**

Having Learned Of The Death Of James E. Regis of Bangor One of The Famed Flying Tigers

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (L. D. 1628)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Joint Order  
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

Gordon Fraser of Freeport Recipient of the Northern Logger 1975 Outstanding Tree Farm Award

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1634)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order  
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Brenda Jean Blake of Freeport who has Distinguished Herself as a Military Cadet in the Air Force Reserve Officer Training Corps

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1635)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Communications  
STATE OF MAINE**

One Hundred and Seventh Legislature  
Committee on Fisheries and Wildlife  
May 27, 1975

Honorable Joseph Sewall  
President of the Senate  
Senate Chamber  
Augusta, Maine 04330  
Dear Senator Sewall:

It is with pleasure that I report to you that the Committee on Fisheries and Wildlife has completed all actions necessary on the business placed before it by the 107th Legislature.

<b>Total Number of Bills Presented</b>	<b>77</b>
Unanimous Reports	60
Leave to Withdraw	19
Ought Not to Pass	24
Ought to Pass	9
Ought to Pass as Amended	7
Ought to Pass in New Draft	1
Divided Reports	17
Total Number of Amendments	9
Total Number of New Drafts	2
Total Number of Referrals	2

Sincerely,

CECIL H. McNALLY  
Senate Chairman

Which was Read and Ordered Placed on File.

**Orders**

On motion by Mr. Speers of Kennebec, ORDERED, the House concurring, that

the Legislative Council is directed to exercise general oversight over the records of the Legislature to ensure that necessary program services are provided for their efficient management, disposition, preservation and servicing in accordance with the Archives and Records Management Law. (S. P. 537)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Mr. Cianchette of Somerset,

WHEREAS, due to the difficulty of changing long established attitudes of a throw-away society, solid wastes in its many forms continue to mount; and

WHEREAS, the continued accumulation of solid wastes particularly in the form of litter has become a matter of great public concern; and

WHEREAS, it is the primary responsibility of the State to seek out and implement effective laws to manage this perplexing problem; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Natural Resources, to study the matter of solid waste problems of this State with particular emphasis on litter for the purpose of developing a comprehensive litter or waste management act for the State; and be it further

ORDERED, that the experience of other states, especially Connecticut, Florida and Washington, in litter or waste management be considered by the committee in the course of their deliberations; 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 forthwith to said agencies as notice of this directive. (S. P. 538)

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. CIANCHETTE: Mr. President, I would ask you and the other members of this body to take time to read this order within the next day or two. I think you will have the opportunity. I would like you to read it specifically and know that it is a very earnest sincere order.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled pending Passage.

#### Committee Reports House

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

Bill, "An Act to Authorize the Commissioners of York County to Make Certain Payments from the Contingent Account." (H. P. 1561) (L. D. 1871)

Bill, "An Act Establishing an Occupancy Tax for Persons Staying at a Hotel or Rooming House." (H. P. 1332) (L. D. 1644)

Bill, "An Act to Revise the Excise Tax on Camper Trailers." (H. P. 1422) (L. D. 1710)

Bill, "An Act to Require that an Arrested Person be Allowed to Make a Telephone Call at No Cost to the County or Municipality." (H. P. 1384) (L. D. 1699)

Bill, "An Act to Establish Privileged

Communication for School Counselors." (H. P. 1068) (L. D. 1699)

Bill, "An Act Relating to the Powers of County Government." (H. P. 980) (L. D. 1243)

Bill, "An Act to Make Additional Allocations from the General Highway Fund to Increase Funds for State Aid Construction and Reconstruction in Hardship Cases." (H. P. 704) (L. D. 883)

#### Leave to Withdraw

The Committee on Business Legislation on,

Bill, "An Act Relating to Interest Payments to Mortgagor on Tax Deposits with Mortgagee." (H. P. 1050) (L. D. 1324)

Report that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act to Require Health Care Coverage for Newly Born Children." (H. P. 1324) (L. D. 1637)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Increase the Portion of Tax Stamp Revenues Derived from the Tax on Real Estate Transfers which is Paid to the Counties." (H. P. 943) (L. D. 1182)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Increase the Tax on Real Estate Transfers." (H. P. 944) (L. D. 1183)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Permit Municipalities to Collect Service Charges in Lieu of Taxes from Tax Exempt Institutions and Organizations." (H. P. 1217) (L. D. 1533)

Reports that the same be granted Leave to Withdraw.

The Committee on Election Laws on, Bill, "An Act to Require Grouping of Candidates by Party on General Election Ballots." (H. P. 369) (L. D. 433)

Reports that the same be granted Leave to Withdraw.

The Committee on Health and Institutional Services on, Bill, "An Act Creating the Maine Arthritis Task Force." (H. P. 1280) (L. D. 1722)

Reports that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Increasing State, Maine Maritime Academy and Classified University of Maine Employees' Pay." (H. P. 142) (L. D. 164)

Reports that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Increase Salaries of Justices of the Supreme Judicial and Superior Courts and Judges of the District Courts." (H. P. 656) (L. D. 810)

Reports that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Licenses to Carry Weapons." (H. P. 568) (L. D. 704)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### Ought to Pass

The Committee on Transportation on, Bill, "An Act to Require the Department of Transportation to Maintain the Ferry Ramp at Frenchboro, Long Island Plantation." (H. P. 86) (L. D. 121)

Reports that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act to Provide for the Identification of Past Offenders." (H. P. 947) (L. D. 1185)

Reports that the same Ought to Pass.

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

The Committee on Education on, Bill, "An Act to Limit School Tuition Increases." (H. P. 1175) (L. D. 1479)

Reports that the same Ought to Pass.

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

The Committee on Public Utilities on, Bill, "An Act Relating to Public Utilities Commission Jurisdiction over Certain Contracts." (H. P. 1536) (L. D. 1857)

Reports that the same Ought to Pass.

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

The Committee on Transportation on, Resolve, Designating the Bridge Between East Machias and Machiasport as "Rim Memorial Bridge." (H. P. 1614) (L. D. 1894)

Reports that the same Ought to Pass.

Comes from the House, the Bills and Resolve Passed to be Engrossed.

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

The Committee on Education on, Bill, "An Act to Create the Commission on Education Finance." (H. P. 1622) (L. D. 1897)

Reports pursuant to Joint Order (H. P. 1588) that the same Ought to Pass.

Comes from the House, Recommended to the Committee on Education.

On motion by Mr. Katz of Kennebec, Recommended to the Committee on Education in concurrence.

#### Ought to Pass - As Amended

The Committee on Taxation on, Bill, "An Act to Amend the Taxing Provisions under the Catastrophic Illness and Medically Indigent Program." (H. P. 1162) (L. D. 1461)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-455).

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

Which report was Read.

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

Mr. KATZ: Mr. President, may I have a brief explanation through the Chair of any member of the committee?

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 Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: It has been a brief period of time since I have had the chance to study the bill, but it is my understanding, and the chairman of the committee can correct me if I am mistaken in my memory, that the purpose of this bill is to provide that the tax that was passed to pay for catastrophic illnesses be kept in effect only as long as the catastrophic illnesses be kept in effect only as long as the catastrophic illnesses program that was passed continued, and that when that program ceases to exist that the tax that the legislature enacted will cease to exist.

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

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

The Committee on Local and County Government on, Bill, "An Act to Authorize the Treasurer and County Commissioners of Hancock County to Build a Detention Center and District Court." (H. P. 1243) (L. D. 1544)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-452).

The Committee on Fisheries and Wildlife on, Bill, "An Act to Revise the Fish and Game Laws." (H. P. 1425) (L. D. 1817)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-457).

The Committee on Health and Institutional Services on, Bill, "An Act to Clarify the Medical Practice Act." (H. P. 1100) (L. D. 1381)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-444).

The Committee on Health and Institutional Services on, Bill, "An Act Relating to State-wide Correctional Program Improvement." (H. P. 473) (L. D. 593)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-448).

The Committee on Local and County Government on, Bill, "An Act Creating Knox County Commissioner Districts." (H. P. 1373) (L. D. 1706)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-453).

The Committee on Labor on, Bill, "An Act Concerning Replacement of Eyeglasses and Certain other Prosthetic Devices under the Workmen's Compensation Statutes." (H. P. 708) (L. D. 887)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-456).

The Committee on Labor on, Bill, "An Act to Equalize the Offset of Workmen's Compensation Benefits Against Certain Retirement and Social Security Benefits." (H. P. 1450) (L. D. 1721)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-454).

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

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

The Committee on State Government on, Bill, "An Act Concerning the Municipal Valuation Appeals Board and Procedures for Municipal Appeals." (H. P. 1015) (L. D. 1520)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-449).

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

Which report was Read.

On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for June 3, 1975, pending Acceptance of the Committee Report.

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Establish the Construction of Bikeways as a Responsibility of the Department of Transportation and to Provide Funding Therefor." (H. P. 725) (L. D. 905)

Reports that the same Ought to Pass in New Draft under Same Title (H. P. 1626) (L. D. 1900)

Signed:

Senators:

GREELEY of Waldo  
McNALLY of Hancock

Representatives:

BERRY of Madison  
KAUFFMAN of Kittery  
FRASER of Mexico  
JENSEN of Portland  
WINSHIP of Milo  
JACQUES of Lewiston

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

Signed:

Senator:

CYR of Aroostook

Representatives:

STROUT of Corinth  
LUNT of Presque Isle  
ALBERT of Limestone  
WEBBER of Belfast

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

Which reports were Read.

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

The PRESIDENT: The Senator has the floor.

Mr. CYR: Mr. President and Members of the Senate: The reason why I signed ought not to pass on this report is that I couldn't see myself signing for the construction of bikeways when we cannot fund town road improvement, we cannot fund the towns for snow removal, and we cannot fund fixing up potholes on U.S. No. 1, and yet here we are asked to fund construction of bikeways. That is why I move acceptance of the Minority Ought Not to Pass Report.

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

Mr. CURTIS: Mr. President, I ask for a division and I would like to speak in opposition to the pending motion.

One of the things that L. D. 1900 seems to do, and it is a very short bill, is to provide in the second paragraph of paragraph 612 that the Department of Transportation shall consider development of bikeways when developing capital improvement programs. Now, my own municipality of Orono has just undergone a pilot project, which seems to be working out very well, in which lanes have been painted down the side of the roads. This is mostly U. S. Route 2, our main road going through town. It is very helpful for bicyclists to have the security of being able to bicycle in an area that is in some way divided. However, it is obvious from driving through that road that if the people who had originally designed that road had considered the matter of bikeways when they were initially developing the concept for that particular road, that there would have

been much better ways to construct the road initially so that travel by bicycle would be more convenient and safer. So I think that this is the kind of concept that is good.

I don't see any money on the bill, and I don't see any way that the enactment of this bill is going to cut into the funding available for town roads or other construction projects of the department.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: When this bill first came before the Transportation Committee, it involved about \$500,000, or one-half of 1 percent on the gas tax. We took the appropriation off, and this is permissive legislation that could be used sometime in isolated cases. That is the reason I signed the report.

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

Mr. CONLEY: Mr. President, it was but a few years ago when the Department of Transportation underwent a study relative to bicycle ways throughout the state. Secondly, some of our communities, at least in my area, have established public ways through the greater Portland area. It seems to me it is at a time when people cannot afford the high cost of gasoline and are obviously trying to do something to alleviate that expense. I see nothing wrong at all with this particular bill, and I would hope the Senate would consider it in a favorable fashion and accept the Majority Ought to Pass Report.

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

Mr. McNALLY: Mr. President, I go along with the idea of opposing the minority report because, as I understand it, there are monies at times that are furnished by the federal government which are designated for bikeways. And I understand that besides the project that is in Orono they are going to have one on Mt. Desert Island going from Bar Harbor up towards the high school on 233. And this in no way will get into the monies that we now have to make it so that you are going to lose any new road construction, but the monies used will be entirely furnished by the federal government. That is what my understanding of it is.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Aroostook, Senator Cyr, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

A division has been requested. Will all those Senators in favor of accepting the Ought Not to Pass Report please rise in their places until counted.

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

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

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Concerning the Required Height of Motorcycle Handlebars." (H. P. 900) (L. D. 1087)

Reports that the same Ought to Pass.

Signed:

Senators:

McNALLY of Hancock  
CYR of Aroostook

Representatives:

STROUT of Corinth  
WINSHIP of Milo  
FRASER of Mexico  
BERRY of Madison  
JACQUES of Lewiston  
LUNT of Presque Isle  
JENSEN of Portland  
KAUFFMAN of Kittery  
ALBERT of Limestone

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

Signed:

Senator:

GREELEY of Waldo

Representative:

WEBBER of Belfast

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

Which reports were Read.

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

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

Mr. CONLEY: Mr. President, I notice there is a long itinerary of names signing the Majority Ought to Pass Report, and I wonder if perhaps one of the good Senators of the Committee might enlighten the Senate as to what this bill is all about?

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

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, I wasn't at the hearing and I just said that I would sign with the majority report. That is all I know.

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

Mr. McNALLY: Mr. President, I am almost as bad as the good Senator from Aroostook. I wasn't there either and all I know is hearsay. But the majority of the committee seemed to be in favor of it, and I went along with what Senator Cyr was doing.

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

Mr. CONLEY: Mr. President, I am sorry I asked the question.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now withdraws his question. Is it the pleasure of the Senate to accept the Minority Ought Not to Pass Report of the Committee?

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

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on Labor on, Bill, "An Act to Provide Workmen's Compensation Benefits for Injured Employees with Insolvent, Inadequately Insured or Uninsured Employers." (H. P. 1454) (L. D. 1729)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-458).

Signed:

Senators:

ROBERTS of York

PRAY of Penobscot

Representatives:

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

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

Signed:

Senator:

McNALLY of Hancock

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

Which reports were Read.

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

**Divided Report**

The Majority of the Committee on Transportation on, Bill, "An Act Concerning the Mounting of Red Lights on Vehicles Operated by Volunteer Firemen." (H. P. 990) (L. D. 1338)

Reports that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo  
McNALLY of Hancock  
CYR of Aroostook

Representatives:

BERRY of Madison  
KAUFFMAN of Kittery  
LUNT of Presque Isle  
FRASER of Mexico  
WINSHIP of Milo  
WEBBER of Belfast  
ALBERT of Limestone

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

Signed:

Representatives:

STROUT of Corinth  
JENSEN of Portland  
JACQUES of Lewiston

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

Which reports were Read.

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

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on Human Resources on, Bill, "An Act to Provide for Review and Planning of Human Service Programs by Regional Planning Commissions." (H. P. 1186) (L. D. 1477)

Reports that the same Ought Not to Pass.

Signed:

Representatives:

AULT of Wayne  
CONNERS of Franklin  
HUNTER of Benton  
HUTCHINGS of Lincolnville  
RAYMOND of Lewiston  
BACHRACH of Brunswick  
TRUMAN of Biddeford

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-440).

Signed:

Senators:

KATZ of Kennebec  
GRAHAM of Cumberland

Representatives:

SAUNDERS of Bethel  
TALBOT of Portland  
DAVIES of Orono

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

Which reports were Read.

On motion by Mr. Katz of Kennebec, the Minority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in non-concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to Utility Rate-making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies." (H. P. 1306) (L. D. 1590)

Reports that the same Ought to Pass.

Signed:

Senators:

CUMMINGS of Penobscot  
GREELEY of Waldo  
CYR of Aroostook

Representatives:

SAUNDERS of Bethel  
BERRY of Buxton  
NADEAU of Sanford  
SPENCER of Standish  
LEONARD of Woolwich  
GRAY of Rockland  
KELLEHER of Bangor

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

Signed:

Representatives:

TARR of Bridgton  
LITTLEFIELD of Hermon

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-475).

Which reports were Read.

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

**Divided Report**

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to Proceedings Before the Public Utilities Commission." (H. P. 1259) (L. D. 1554)

Reports that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo  
CYR of Aroostook

Representatives:

LITTLEFIELD of Hermon  
SAUNDERS of Bethel  
GRAY of Rockland  
BERRY of Buxton  
TARR of Bridgton

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



Signed:

Senator:

CUMMINGS of Penobscot

Representatives:

KELLEHER of Bangor

NADEAU of Sanford

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

Which reports were Read.

Mrs. Cummings of Penobscot moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Cyr of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mrs. Cummings of Penobscot that the Senate Accept the Minority Ought to Pass Report of the Committee.

**Divided Report**

The Majority of the Committee on Judiciary on, Bill, "An Act to Prohibit False, Fraudulent or Deceptive Political Opinion Polls." (H. P. 1159) (L. D. 1458)

Reports that the same Ought Not to Pass.

Signed:

Sensors:

COLLINS of Knox

CLIFFORD of Androscoggin

MERRILL of Cumberland

Representatives:

HEWES of Cape Elizabeth

HUGHES of Auburn

PERKINS of So. Portland

SPENCER of Standish

MISKAVAGE of Augusta

McMAHON of Kennebunk

GAUTHIER of Sanford

BENNETT of Caribou

HOBBINS of Saco

The Minority of the same Committee on the same subject reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-470).

Signed:

Representative:

HENDERSON of Bangor

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 Liquor Control on, Bill, "An Act to Permit Uniform Reduction of Liquor Prices in Four Stores in the State." (H. P. 987) (L. D. 1252)

Reports that the same Ought Not to Pass.

Signed:

Sensors:

GRAFFAM of Cumberland

CARBONNEAU of Androscoggin

Representatives:

LIZOTTE of Biddeford

DYER of South Portland

TWITCHELL of Norway

JACQUES of Lewiston

PERKINS of Blue Hill

IMMONEN of West Paris

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

Signed:

Sensor:

DANTON of York

Representatives:

PIERCE of Waterville

MAXWELL of Jay

FAUCHER of Solon

RAYMOND of Lewiston

Comes from the House, the Minority

report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. Graffam of Cumberland moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee, and Mr. Danton of York subsequently requested a division on the motion.

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

Mr. JOHNSTON: Mr. President, I ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Graffam of Cumberland that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

**Divided Report**

The Majority of the Committee on State Government on, Bill, "An Act to Require Review of Proposed State Regulations by Local Units of Government." (H.P. 891) (L. D. 1082)

Reports that the same Ought Not to Pass.

Signed:

Sensors:

CURTIS of Penobscot

GRAHAM of Cumberland

Representatives:

FARNHAM of Hampden

PELOSI of Portland

KANY of Waterville

COONEY of Sabattus

WAGNER of Orono

LEWIN of Augusta

STUBBS of Hallowell

QUINN of Gorham

CARPENTER of Houlton

SNOWE of Auburn

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-468).

Signed:

Sensor:

WYMAN of Washington

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

Which reports were Read.

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

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

Mr. CURTIS: Mr. President, I ask for a division, and I will explain one more time, as I am afraid I am getting a little repetitious about this, that this is one of those bills, L. D. 1082, which is recommended by your Committee on State Government for a full study as part of a review of the full administrative Procedures Act of the Maine Statutes.

I think if you will look at the bill itself, you might agree with me that before we enacted something like that we would want to be careful and study it thoroughly. That is why the committee didn't really spend very much time on this bill but did include it, along with several others, for a recommended full study and evaluation, and we would like the opportunity to report back to the legislature as a full analysis of this whole area.

The PRESIDENT: The Chair recognizes

the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I am glad to hear the good Senator from Penobscot say that the committee did not spend very much time on this bill. This is another bill to provide for open government and let our voters and the people at home know what the departments and bureaucrats are doing. It is well enough to study it, but I think many of these things have been studied to death, and we go home and we find they have passed some kind of a rule or regulation and then our fellow citizens ask us why we allowed such and such to happen. I think we can very safely pass this bill in concurrence and then we can study the matter, and if it needs to be changed later on then we can change it. So I hope the Senate will accept the minority report in concurrence with the other branch.

The PRESIDENT: The Chair would request the Senator to refrain from referring to the other branch.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, what this bill does, 1082, is to require that, "Each department, commission, board or agency of the State shall at least 30 days prior to the date of adoption of administrative rules or regulations by it, mail to the chief administrative official of each municipality, each regional planning commission and the Maine Municipal Association, a copy or written summary of the proposed rule or regulation for review and comment by municipalities or their instrumentalities."

I would suggest that we are looking at a terrific administrative burden and a substantial cost, and I would ask the Senate to please agree with me that this is not the right time or the right way to enact this type of legislation, but if we take a full look at the entire administrative code area, I am sure we can come up with some standards by which municipalities and everybody else can be notified of pending rules that are about to be adopted.

The other thing I would like to mention is that there is a possibility of emergency rules that need to be adopted without the proposed 30 day notice.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I would like to second the remarks of the Senator from Penobscot, Senator Curtis. As he mentioned, we had several bills of this nature referring to executive reports. They were overlapping in many cases and we wanted to come out with a clean, straight bill that would cover all situations instead of this piecemeal effect that this bill would create.

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

Mr. WYMAN: Mr. President and Members of the Senate: If this bill needs to be corrected, I think it can be amended. It does seem too bad to me that we are asking these bureaucrats to let us know what they are going to do with our laws after we pass them.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion by the Senator from Washington, Senator Wyman, that the Senate accept the Minority Ought to Pass as Amended Report of the Committee.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will 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 Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I haven't had a chance to read this bill or the amendment to the bill, and I would inquire whether or not there is a price tag on the amendment. It seems to me this is a bill that costs a considerable amount of money and I wondered if it has been priced out.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, in answer to that question, it was not my bill and I know nothing about a price tag on it. I presume it would cost something to give the people a right to know.

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

Mr. CURTIS: Mr. President, to try to answer the question, there was no fiscal note on either the bill or the amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion by the Senator from Washington, Senator Wyman, that the Senate accept the Ought to Pass as Amended Report of the Committee. A "Yes" vote will be in favor of accepting the Minority Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEA: Senators R. Berry, Carboneau, Corson, Cummings, Cyr, Danton, Graffam, Greeley, Hichens, Jackson, Johnston, McNally, O'Leary, Pray, Roberts, Thomas, Wyman.

NAYS: Senators E. Berry, Cianchette, Clifford, Collins, Conley, Curtis, Gahagan, Graham, Huber, Katz, Marcotte, Merrill, Reeves, Speers, Trotzky.

A roll call was had. 17 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the Minority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in non-concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Committee of Conference Report State of Maine

The Committee of Conference\* on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Increase the Veteran's Property Tax Exemption." (H. P. 1174) (L. D. 1172)

have had the same under consideration, and ask leave to report: That the House recede from its action whereby it passed the bill to be engrossed as amended by House Amendment "D", indefinitely postpone House Amendment "D" adopt Committee of Conference Amendment "A", and pass the bill to be engrossed as amended by Committee of Conference Amendment "A"; that the Senate recede from its action whereby it passed the bill to be engrossed as amended by Senate Amendment "B", indefinitely postponed Senate Amendment "B", adopt Committee of Conference Amendment "A", and pass the bill to be engrossed as amended by Committee of Conference Amendment "A".

On the part of the House:

CAREY of Waterville  
FINEMORE of Bridgewater  
MULKERN of Portland

On the part of the Senate:

MERRILL of Cumberland  
COLLINS of Knox

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-490).

Which report was Read and Accepted in concurrence.

#### Senate Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Clarify the Laws Relating to Dentistry." (S. P. 70) (L. D. 235)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (S-204).

Signed:

Representatives:

LAVERTY of Millinocket  
LaPOINTE of Portland  
MORIN of Old Orchard  
CURRAN of So. Portland  
GOODWIN of So. Berwick  
POST of Owls Head  
HENNESSEY of West Bath  
KENNEDY of Gray

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as Amended by Committee Amendment "B" (S-205)

Signed:

Senators:

HICHENS of York  
GREELEY of Waldo  
BERRY of Androscoggin

Representatives:

LOVELL of Sanford  
SPROWL of Hope

Which reports were Read.

Mr. Hichens of York moved that the Senate Accept the Minority Ought to Pass as Amended by Committee Amendment "B" Report of the Committee.

Thereupon, on motion by Mr. McNally of Hancock, tabled and Tomorrow Assigned, pending the motion by Mr. Hichens of York that the Senate Accept the Minority Report of the Committee.

#### Enactors

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

An Act to Permit Payment of Fines by Offers in Compromise From Beer and Wine Wholesale Licensees and Holders of Certificates of Approval in Lieu of Suspension. (H. P. 1072) (L. D. 1352)

Which was Passed to be Enacted and having been signed by the President, was

by the Secretary presented to the Governor for his approval.

An Act to Provide a Cost-of-Living Increase to Supplemental Security Income Recipients. (S. P. 349) (L. D. 1149)

An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules. (H. P. 1379) (L. D. 1775)

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

#### Orders of the Day

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

JOINT ORDER — Relative to Governor being requested to broaden membership of special committee on tax policy. (H. P. 1624)

Tabled — earlier in the day by Senator Speers of Kennebec.

Pending — Passage.

(In the House — Read and Passed.)

Thereupon, the Joint Order received Passage in concurrence.

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

HOUSE REPORTS — from the Committee on Liquor Control — Bill, "An Act Relating to Services Provided by Private Clubs under the Liquor Laws." (H. P. 793) (L. D. 966) Majority Report — Ought to Pass as amended by Committee Amendment "A" (H-438); Minority Report — Ought not to Pass.

Tabled — earlier in the day by Senator Cummings of Penobscot.

Pending — Motion of Senator Danton of York to Accept the Minority Ought Not to Pass Report.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-438).

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

Mr. GRAFFAM: Mr. President, I request a division on this motion and I would like to speak on it please.

The PRESIDENT: The Senator has the floor.

Mr. GRAFFAM: Mr. President and Members of the Senate: All this bill does is require the bottle clubs to go under the rules and regulations of the Liquor Commission and requires them to have the same hours as Class A restaurants, taverns, hotels and retail outlets, and require them to have a \$50 license fee and a \$10 amusement tax permit. And every club owner that testified before our committee was in favor of fair regulations. That's it. Thank you.

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

Mr. DANTON: Mr. President and Members of the Senate: I guess I was at a different committee hearing that day. But this bill really and truly doesn't have too much to do with the Liquor Commission. It is a bill that liquor enforcement is interested in, and here is what it would do:

Once you are licensed by the Liquor Commission — and this affects mainly the rural areas of the state, where someone may have a barn and on Saturday nights they probably have a little western music and you want to take a six-pack of beer and go there with your wife and friends and

a drink and have a few dances, you won't have to worry about the liquor enforcement people coming in and putting you through the harassment of asking for ID's and what have you.

Now, these clubs, as we presently know them as bottle clubs, the liquor enforcement people really and truly couldn't come up at the hearing and tell us of any problems that they have with any of the clubs in any of the areas where they presently exist.

All this bill will do is allow liquor enforcement to into these barn dances, or whatever you want to call them, and have them under the enforcement of their department, and I hope you will vote with me to kill this bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Danton, to accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, a quick observation of the bill poses a question in my mind as to whether or not anyone could invite people over to their homes on any given night without being considered by perhaps the liquor enforcement people as having a private bottle club. It states that no person by himself, clerk, servant or agent, partnership, club, association, etc., not licensed under this title shall keep, maintain, operate, lease or otherwise furnish to its members, their guests or other persons any premises, building, apartment or place — it just seems to me as though it is play on words and doesn't actually define what a bottle club is.

I recall several years ago that we had another bill very similar to this in nature, and that some of the biggest legal minds here tried to define exactly what a bottle club was, and found that primarily what they came up with was the Portland Club in my community and some golf courses in the rural area. I wouldn't want to offend any of these fine people, and I would support the good Senator from York, Senator Danton, and move that this bill and all accompanying papers be indefinitely postponed.

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

Mr. GRAFFAM: Mr. President, the good Senator from Cumberland refers to the Portland Club and the Cumberland Club. They already hold a liquor license — I am sorry, I guess that was in error.

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

Mr. CARBONNEAU: Mr. President, I think we probably should explain the bottle club a little more. As I understand it, and I was at the hearing, there are several bottle clubs in the state. Practically all of them operate in a nice respectable way. Those are bottle clubs or private clubs. That means that you have your own bottle in the club but they will give you the set-ups, or they will sell you the set-ups.

There are a few bottle clubs per se that are not operating too well. They operate in dives. And this bill actually came out, I think, of the liquor law enforcement people because they want to get them under the umbrella of licenses. That is what the bottle club is.

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

Mr. CONLEY: Mr. President, not being one who likes to engage in extra-curricular activities in the evening, I wonder if perhaps the chairman of the Liquor Control Committee might define to me and the members of the Senate exactly what a bottle club is.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I know it is unusual to refer to the written text, but House Amendment 438 defines it in section 1 beautifully.

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

Mr. DANTON: Mr. President and Members of the Senate: If anyone was to take the trouble to read House Amendment 438, you would find that the bottle clubs are put into every category that a Class A restaurant and hotel or motel with a liquor license is in.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that L. D. 966 and all its accompanying papers be indefinitely postponed.

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

A division was had, 20 having voted in the affirmative, and 12 having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — earlier in the day by Senator Reeves of Kennebec.

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone Senate Amendment "A" (S-176).

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

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

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

Mr. REEVES: Mr. President, I think I saw the writing on the wall last time, and I now ask permission to withdraw Senate Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Reeves, now requests permission to withdraw Senate Amendment "A". Is this the pleasure of the Senate?

It is a vote.

Whereupon, on motion by the same Senator, 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-201, to Committee Amendment "A" was Read.

The PRESIDENT: The Senate has the floor.

Mr. REEVES: Mr. President, I would like to just briefly explain this. This

amendment extends coverage of our present right to know law to the legislature. That is all it does. In fact, it makes our present practice of open meetings and hearings a fact in law.

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

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I think this amendment should receive the same treatment as we gave the one before. In fact, possibly the author, the sponsor of it, should ask leave to withdraw as covered by other legislation. We are covered by regulations as it is now, and I see no way of opening up government by adopting this here. Already before we have a public hearing we have to advertise it in all the newspapers of the state. We have a public hearing at which time all the pros and cons are very well debated, and nobody is refused the right to speak on the issue, as long as he is not abusive. After the public hearing the committees have their working sessions, or executive session, at which time nobody is refused admittance to the committee room. Also, if the committee desires more information on the part of the sponsor or the opposition, department heads, or anybody who we think might help out, then they will be invited to these sessions, and then the committees will move either a majority report or minority report, at which time you sign the one you favor. Then this comes onto your calendar with your name on the proper report that you supported, it is then debated here through the legislative channels, back and forth between the two bodies. And what more do you want?

You know, this business of opening up government is noble, but it can go too far, and I think this is exactly where we are going. We are going a little too far with this. After all, when a public official has had the trust of the voter at the ballot box, he should also receive the confidence of the public. Now, if he doesn't perform properly, the remedy is again through the ballot box. If we push this fishbowl atmosphere too far, instead of opening up the government we are going to close the government, because in these committee meetings that we have many times there will be probing questions that will not be asked because you just don't want to expose yourself to the unfavorable publicity that would derive from it. And in most cases if you open up too far, particularly in the press, my experience has been that in many cases the press will report their opinion of the facts, and it you happen to be on the side that they favor you are the good guys. If you are not, if you are on the other side, you are the bad guys, and that is the way it is going to be reported, just in that light. I have seen it personally last spring in our own town council, the same thing.

I am in favor of open government, I am in favor of what we have now. We have no problem here in the State of Maine, so let's not produce it by putting any more of this legislation on the books. I move indefinite postponement of this amendment.

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

Thereupon, on motion of Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Cyr

of Aroostook that Senate Amendment "A" to Committee Amendment "A" be Indefinitely Postponed.

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

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

Tabled — earlier in the day by Senator Corson of Somerset.

Pending — Adoption of Senate Amendment "A" (S-187) to Committee Amendment "A" (H-286).

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

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

Mr. CORSON: Mr. President and Members of the Senate: I would like to just take a moment and explain what Senate Amendment "A" does. It removes from the Committee Amendment a section dealing with the right of a person who is being subjected to perhaps a tribunal type of meeting, where he is facing potential charges or where his performance of his job is being discussed, having the right to demand that that be a public meeting. I quote from the amendment: "and provided that any person under discussion may by written request demand that such discussion concerning him be open to the public." The amendment would remove that right of the individual to have the meeting open to the public, and would simply allow these type of functions to be closed sessions.

We in the committee felt that it was a safeguard for the individual to at his request open it to the public, yet if he preferred to keep these proceedings private he had that right, that is the accused had the right. Therefore, I would move that Senate Amendment "A" be indefinitely postponed.

The PRESIDENT: The Senator from Somerset, Senator Corson, now moves that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, Senate Amendment "A" to Committee Amendment "A", which is under Filing No. S-187, deals with executive sessions of public bodies in the personnel area. I think that the personnel area has always been well recognized as an area where the law allows public bodies to vote to go into executive session.

Now, what the Senate Amendment does is restore the bill to its original form pertaining to paragraphs 1 and 2 on page 2 of the bill. Those paragraphs deal deal discussions concerning the appointment, the promotion or the demotion of certain employees and the dismissal of certain employees.

Now, if the public body, for example the city council or the school board, votes to go into executive session to discuss an appointment or an assignment, or a promotion or a demotion, under the law, if the Amendment passes, the person concerning whom the discussion is about will have a right to be present, he will have a right to be present with counsel. The person concerning whom dismissal is being discussed will have a right to be present, he will have the right to be present with counsel. What we are talking about is the right to open that meeting up.

I think that this deals with the initial stages only; for example, in the dismissal area. Someone who is subject to a dismissal has, of course, the right to a public hearing before he is dismissed, but this deals with the initial steps in that procedure. It is a little bit like the grand jury proceeding, where it is a secret proceeding mostly for the protection of the accused. And under the grand jury law, the accused does not have a right to make that grand jury public, and the main reason being that it is to protect the individual himself or herself.

So that this would allow the city council or the school board to go into executive session to discuss appointments, to discuss promotions, to discuss assignments, to discuss demotions, and the person who is concerned would be entitled to be present and entitled to be represented by counsel. But I think that it is going a little too far to allow that person to open up the meeting, especially, for example, in the area of dismissal.

I think that the public complains very often in the area of public employment that the tenure laws tend to work against a person of outstanding ability to be raised in the status and the tenure laws tend — according to the public, I think there is a general feeling — the tenure laws tend to lock people into positions. And I think that anyone concerning whom there would be a discussion of dismissal would automatically open the meeting up, and I think that that would pretty much end any discussion of dismissal.

So I hope that you would adopt Senate Amendment "A" to Committee Amendment "A", and we would still have an improvement in the executive session law, but we would be protecting the public officials who have to make these decisions or discuss them freely and openly, and we would be protecting the individuals involved. So I hope that you would vote against the motion to indefinitely postpone Senate Amendment "A". Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Somerset, Senator Corson, that the Senate indefinitely postpone Senate Amendment "A" to Committee Amendment "A".

The Chair will order a division. Those Senators who are in favor of indefinite postponement of Senate Amendment "A" to Committee Amendment "A" will please rise in their places until counted.

A division was had. 10 having voted in the affirmative, and 21 having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

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

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

Tabled — Earlier in the day by Senator Corson of Somerset.

Pending — Adoption of Senate Amendment "A" (S-192).

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

"A" (H-266) as amended by House Amendment "A" Thereto (H-435).)

(In the Senate — Committee Amendment "A" as amended by House Amendment "A" Thereto, Adopted, in concurrence.)

On motion by Mr. Clifford of Androscoggin, Senate Amendment "A" was Indefinitely Postponed.

Thereupon, on motion by Mr. Collins of Knox, tabled and Specially Assigned for May 29, 1975, pending Passage to be Engrossed.

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

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

Tabled — earlier in the day by Senator Katz of Kennebec.

Pending — Enactment. (In the House — Indefinitely Postponed.)

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its prior action whereby Conference Committee Amendment "A" was Adopted.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President, after another motion or two, I am going to ask the Senate to accept this compromise on this veterans preference employment, which makes the veterans preference opened without regard to time limitation but which restricts the preference of career officers, which affords the veterans preference for one time only, and it clarifies the equality between the sexes with respect to widows and widowers and so forth. I move that Conference Committee Amendment "A" be indefinitely postponed.

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

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, under suspension of the rules, I move the Senate reconsider its action whereby it adopted Senate Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that under suspension of the rules the Senate reconsider its action whereby it adopted Senate Amendment "A".

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, as a point of order is the Senate in a position whereby it can do something different from the Conference Committee Report?

The PRESIDENT: The Chair would reply in the affirmative, it is in order.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would like to pose a question to Senator Katz of Kennebec. The Senate having accepted the Conference Committee Report, is he going about to emasculate it?

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question to the Senator from Kennebec, Senator Katz, who may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the two bodies are not in agreement. I have every hope that the procedures we are pursuing here will put us in agreement and put the enactment of this bill in a better posture.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate indefinitely postpone Senate Amendment "A".

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: I request another point of order, Mr. President. Not to be argumentative, however, Joint Rule 20 would state that a conference committee may be either accepted or rejected but no other action shall be had except through another committee of conference.

The PRESIDENT: The Chair understands the Senator from Cumberland, Senator Conley, moves that this item be tabled until tomorrow, pending the motion by the Senator from Kennebec, Senator Katz, that Senate Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

**Papers From The House**

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

**Committee of Conference Report**  
State of Maine

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolution, Proposing: Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature. (H. P. 1510); (L. D. 1827)

Have had the same under consideration and ask leave to report: That the House recede from its action whereby the bill was passed to be engrossed, adopt Committee of Conference Amendment "A" and pass the bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede from its action whereby the Bill was passed to be engrossed as amended by Senate Amendment "D" (S-95), indefinitely postpone Senate Amendment "D" adopt Conference Committee Amendment "A" and pass the bill to be engrossed as amended by Conference Committee Amendment "A".

On the part of the House:

- COONEY of Sabattus
- SUSI of Pittsfield
- GREENLAW of Stonington

On the part of the Senate:

- GREELEY of Waldo
- ROBERTS of York
- DANTON of York

Comes from the House, the report Read and Accepted and the Resolution Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-491).

Which report was Read.

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

Mr. SPEERS: Mr. President, I would hope that the Senate would not accept the report of the Committee of Conference. Very briefly, of course, in the Committee of Conference Report the Conference Amendment would state that the legislature shall set by statute the number of days which it may meet, and although this is definitely an improvement, I believe, over the original bill which would place that certain number of days in the

constitution itself, my objections to it still remain that the legislature should not have a specific number of days hanging over it in which it must transact all its business. I do not feel that this makes for good legislation.

I don't want to debate this matter at length, I think most of the arguments on both sides have been stated previously. I would hope that the Senate would reject the Conference Committee Report, and I would so move.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reject the Committee of Conference Report.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would make a parliamentary inquiry as to what stage the Senate could, if it were possibly for the Senate to accept the report and then take further action in deviation from that report?

The PRESIDENT: The Chair would advise the Senator from Androscoggin, Senator Clifford, that after there has been intervening action then the item could be further amended.

Mr. CLIFFORD: Mr. President and Members of the Senate: As you will recall, I was interested in this subject matter of the annual sessions and proposed the amendment which the Senate adopted concerning limits on the legislative days, which would have been written into the constitution. That amendment passed this body and the result, of course, was the Committee of Conference.

It seems to me that this Conference Committee Report is certainly an improvement of the original bill which provided for annual sessions with no limits whatsoever, and it seems to me that if we could accept this Conference Committee Report and then take further action to submit the amendment as was originally presented by the Senator from York, Senator Hichens, to limit by subject matter the second regular session, it seems to me we would have taken great strides to not only provide for annual sessions, which we should have, but also to place some limits on those sessions, I think which the public is looking towards. So I would hope that we could accept the Conference Committee Report and then, hopefully, take other action to amend the resolution to make it conform more closely with the Senate's original action. Thank you, Mr. President.

The PRESIDENT: Is the Senate Ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate reject the report of the Committee of Conference.

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

A division was had. 10 having voted in the affirmative, and 22 having voted in the negative, the motion did not prevail.

Thereupon, the Conference Committee Report was Accepted in concurrence.

**Papers from the House**

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

**Communication**

May 27, 1975  
Members of the House of Representatives and Senate of the 107th Legislature  
I am today returning to the Legislature

without my signature and approval LD 672, An Act Relating to Definition of Retail Sales under Sales and Use Tax Law.

I am taking this action because I feel this bill in its present form extends preferential tax treatment to one Maine firm and thereby discriminates against other firms and individuals who must pay this tax.

Earlier today, I had requested of Legislative Leaders that this measure be withdrawn so that at some future date, but no later than the next regular session, it could be amended to include all businesses and citizens of this state. A decision was made not to recall this bill and I have no choice but to veto it.

In deciding what action to take on this veto, I feel each individual legislator should ask if he or she is being fair to the individual taxpayers and the businesses, large and small, in their areas to the extent they are not giving them the same preferential treatment that they would extend to one firm in the state.

Very truly yours,  
JAMES B. LONGLEY  
(H. P. 1641)

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File in concurrence.

The accompanying Bill, "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 537) (L. D. 672) comes from the House with the following endorsement:

In the House, May 27, 1975, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

123 voted in favor and 5 against, and accordingly it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

(Signed)

EDWIN H. PERT  
Clerk of the House

The PRESIDENT: The pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, one of those quirks of fate. I apparently had stepped out of the chamber when this bill came off the Appropriations Table. It is a Bill that you will recall I had mentioned to you before. I think it is an outstanding example of special interest legislation, and each legislature in recent years has identified it exactly that, as special interest legislation.

I have just read over the Governor's remarks briefly, and although it doesn't contain some of the soaring prose of his previous veto messages, nonetheless it has facts in it which I support completely.

What this bill does is ask all of us, all the people of the state, to pick up the tab for \$115,000 in the first year and \$125,000 in the second year of legitimate taxing on a single industry. And the industry claims it is unique because in the process of manufacture of the energy the electricity is consumed. I am going to make a prediction to this Senate, that if we pass this bill over the objections of the Governor

and if it becomes law, you may be prepared for a whole flood of future requests to sneak into this little loophole in the tax law by other industries that identify themselves as not very far from the posture of this one.

I guess some of us have supported the Governor's veto messages out of weak conviction, and sometimes out of strong conviction, but I ask the Senate today to sustain the veto of the Governor out of real conviction that this is purely and simply special interest legislation for an industry in the state.

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

Mr. MERRILL: Mr. President and Members of the Senate: We have had a flood of vetos, compared to past history, come before us, and I haven't spoken on any of them for two reasons: I didn't have any special expertise to offer, I didn't think; I wasn't on the committees that were concerned. Secondly, frankly, I thought the matters were so frivolous that they didn't deserve a veto and they didn't deserve any lengthy debate. But I do intend to speak on this because I am on the Taxation Committee and because that the Governor in his remarks has really impugned the integrity of the legislature in this regard.

I don't think it is any secret to this Senate that while I have been serving on the Taxation Committee that I have probably looked with as much of a jaundiced eye as anyone on the tax exemptions that have come before us in that committee, and I have probably been on as many ought not to pass reports in regards to tax exemptions as any member of that committee. And I have spoken before my philosophy in regards to those, that before I will go for any exemption it has to create a situation that is equitable within the tax laws, and there has to be some good showing made by the party that wants the different tax treatment that it will provide a serious need and help them in the situation that they are in.

In regards to the first of these issues, what this bill does is take away an exemption that is presently in the law. Presently electricity is exempted from those other products that may be used in manufacturing, and it is exempted in such a way as it provides for double taxation. The reason that we don't tax products that are bought to be used in another product is because we don't want those products to be taxed twice. Electricity, through an oversight, or through just the fact that the legislature probably never contemplated electricity used in this way, is not one of those items. So I think that the change that we make in the law by taking electricity out of this special exempt category is certainly equitable and leaves the law intact and defensible inherently.

Secondly, I think that there was a good showing made by the business concerned primarily with this legislation that not only were they in need of this relief in terms of their present efforts, but that they had serious considerations that were being given, and still are being given I hope, to an enlargement of their plant, which would create new jobs both in building the plant and in working in the plant. That is not a matter that I think we can take lightly in this legislature, and I am sure no member in this Senate does. The job situation in Maine is a grave one, and if we can find a way without creating any inequities in our tax system to provide for more jobs, I

think that we ought to be anxious, ready, willing and able to do it, because it is from these jobs that we collect the monies necessary to run our state government and to carry on these other programs.

I would like to make one other point. In the remarks that the Governor has made in the letter and other places there is strong suggestion that the lobbying effort and other considerations went into this legislative action beyond the merits of this bill. I think it is time that we stopped passing this buck around. We are all big boys and girls in this legislature and we look at these bills on their merits. I think everybody did look at this bill on its merits, and no arms were twisted by any lobbying and there is no need for anybody to go home from here and make any excuses. And I don't think that this is an area where we have to make any excuses. If you talk tax exemptions, it is a very emotional subject and it is very easy to be a demagogue on this subject, but I think in all fairness that this is a good bill, that it will help the people of Maine, and that it will result in a tax benefit to the people of Maine when all those income taxes and those property taxes are collected. I think it is a bill that deserves to become a law in spite of the Governor's veto, and I hope that this Senate will take that action today.

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

Mr. SPEERS: Mr. President and Members of the Senate: I certainly wish to second the remarks of the good Senator from Cumberland, Senator Merrill, regarding this particular piece of legislation.

This is an extremely important bill to come before the legislature, probably one of the most important in this session, and I do not believe that this is a matter strictly for special interests, as has been charged and will be charged so many times in the past and in the future.

This bill is a bill which has direct benefit to the people of the State of Maine. It corrects an existing inequity — an existing inequity — and I would like to read from the L. D., from the engrossed copy, from the section in Title 36 which is amended. That section states that, "Retail sale and sale at retail do not include the sale of tangible personal property which becomes an ingredient or component part of or which is consumed or destroyed or loses its identity in the manufacture of tangible personal property for later sale." Now, if it stopped there, electricity would not be included in the sales tax under this particular situation. But the sentence does not stop there. It goes on to say, "but shall include fuel and electricity." Now, fuel and electricity are singled out as being taxable, even though they may be used or an ingredient or component part of, or consumed or destroyed or losing its identity in the manufacture of tangible personal property to be later resold.

Now, what this bill does is remove that inequity. It says that electricity shall no longer be exempted from this section, and places it with other items that are bought for the manufacture of personal property for resale. So I think if this bill did nothing else that it deserves passage because it corrects a present inequity in our law. But it happens, Mr. President, that this bill does do something else, and it does a great deal more. It provides for a great many jobs in a specific area of this state, and it provides for an opportunity for an expansion of industry in a specific area of

this state. And I find it very curious and very unfortunate that we have a veto on our desk this evening from a Governor whom I am sure does wish to do all that he can to bring industry into the State of Maine, to keep industry in the State of Maine, and to expand existing industry in the State of Maine, but I find it very unfortunate that he has seen fit to veto this particular measure which would do all of those things.

This is an important bill to correct an inequity, and indeed it brings additional tax revenue into the general fund of the state because it will keep an industry viable which is in existence in the state already, and may well provide for the expansion of that industry which, of course, would mean additional tax revenues to the people of the State of Maine. So I would urge that the Governor's veto not be sustained on this particular bill.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would point out that L. D. 1994 was certainly a piece of legislation of special interest, and it was one which I greatly supported because I believed in it. L. D. 672 unquestionably is a bill that also could be given a special interest tag.

The members of this Senate who have been around here some sessions with me have known what my interests have been primarily, and I am probably the first guy to stand up here and vote for social service programs, tax relief for the elderly, and any other type of legislation that is going to make it easier on my constituents, because I know they are struggling. But I also note that industry is struggling, particularly this one concern.

This is not the first session that this item has been before us. In fact, I believe that perhaps it is the third or possibly the fourth session. And I have supported it every session until that point when leadership made the determination of what special and private L. D.s were going to pass, and unfortunately for this particular industry, their legislation took the count.

I think it would be only fair to state to the Senate today that leadership worked on this piece of legislation in trying to establish some line of communication between the legislative branch and the chief executive some time ago. In fact, prior to this bill being removed from the Appropriations table we notified the chief executive of what the problems were concerning this particular industry, and we notified him that there was some talk relative to an expansion program of between 25 and 40 million dollars growth in this industry in that location of the state.

And the Governor asked if he could have some time before he could make his mind up as to what his position would be on this bill. Again leadership waited and gave the chief executive plenty of opportunity to weigh this situation. And I might say to his credit that he took off in his plane and flew to Bangor, went over and toured the Orrington plant, went through, with a very badly injured ankle or kneecap, through the plant and shook hands with all of the employees, came back to Augusta, and then asked again if he could further deliberate upon the situation.

Last week when we removed this bill from the table, the Governor had still not

reported back to the leadership as to what his position was. And I might say it was only fair also that on May 23rd this industry, which is a national industry, was having a meeting of its board of directors, and at that time they were to decide or at least convene for the possibility of the expansion of this plant in Orrington. Obviously, if this bill were to pass, it was going to put the Orrington plant certainly in a better limelight than previously.

The legislative leadership again is asking to override the veto because, as stated by the good Majority Floor Leader, the Senator from Kennebec, Senator Speers, we believe strongly in jobs, we recognize the high unemployment rate in the state today, the fact that it is growing daily, and if we are ever going to try to encourage industrial growth, and particularly in an industry that is being unfairly taxed, then I think that this bill should become law.

I also would like to call your attention to part of the message of the Governor which states, and I quote, "Earlier today, I had requested of Legislative Leaders that this measure be withdrawn so that at some future date," etc. Mr. President and Members of the Senate, it is unfortunate that the chief executive has failed to recognize the fact that there is a separation between the executive branch and the legislative branch and that the legislative leadership is made up of ten persons. I think he has assumed that because the President of the Senate is the presiding officer, the Speaker of the House is the presiding officer of that body, that he is communicating with the legislative leadership. I don't think our constitution has provided for a troika form of government yet, and when the chief executive wants to speak with the leadership of this legislature I believe he should write a letter to each of those members, and perhaps a line of communication will be established.

Mr. President, I urge and hope the Senate will override this veto.

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

Mr. CYR: Mr. President and Members of the Senate: I was on Taxation in 1971 when this same bill was presented to us, and I was very much in favor of it at that time. If there is any industry in the State of Maine that deserves this exemption it is this industry, not because of being an industry or a special interest, but because of the nature of the work that it does. Electricity is a component of its product and, as such, I think it deserves this exemption.

Now, I share with the Governor the anxiety about all of these exemptions, sales tax exemptions. In fact, I was a little surprised at the presentation of the good Senator from Kennebec, Senator Katz, in mentioning that this is special interest legislation. I think his memory is a little short. He probably forgets that at the special session we passed a 15 million dollar a year package, the industrial inventory and stock in trade, which certainly favors his particular business. Also, at the same time we passed a 5 million dollar package to exempt sales tax from new industry. We just passed this past week about 4 million dollars worth of tax exemptions. I am worried, and I am sure I share with the Governor the same worry about where we are going with this tax exemption.

I submit to you that what we are facing today is not a cause. It is a result, it is a

symptom. I think it is a symptom that the State of Maine has got to face up to, and face up to very quickly. This industry right here has to face competition of six mills in the State of New York under public power. They are getting a rate of six mills. In 1971 I flew to Fredericton with the then chairman of the Public Utilities Commission in the governor's plane to try to nail down the downriver benefits of Dickey-Lincoln School, of which I spoke to you recently, at which time we asked the Commissioner of New Brunswick what their rate was for special industry. They told us for a chemical industry that they have a rate of less than six mills. Those were the charges to the contracts that they had with our Maine utilities. And we tried to find out what the rate was that they negotiated for their chemical plants, and they just grinned, smiled at us, and said "Well, it is less than six mills." So this is the competition that this company has got to face. Right now they are paying 21 mills for their electricity. They went up to as high as 27 mills. Now, that is the cause. It is not the symptoms we are trying to deal with here; it is the cause. And if the State of Maine continues in putting its head in the sand and doesn't face up to its problem and try to finance some of these plants through tax-exempt bonds and save on the interest rates, we are going to have more of these plants that are going to pull out of the State of Maine.

This is very serious, very serious. In 1966 Beck and Associates came out with a report on public power. They came out and projected that by 1985 the State of Maine, just to meet its normal growth, would need two nuclear plants and the Dickey-Lincoln School, and that if we were to build this through tax-exempt bonds, through an authority, that the State of Maine would save the equivalent of 225 million dollars. That is the area that we have to search and that we have to look for, gentlemen. You just defeated one of these programs to try to bring an authority into the State of Maine that would give us the benefit of tax-exempt bonds, where thereby we could save between 2 and 3 percent interest on the interest rates. That is where there are savings to try to bring down the cost of power.

I think that I am going to support this bill. I think it is needed. This is going to generate, according to the newspaper write-ups, it would seem that it is going to generate around 120 new jobs. It is going to bring in an expansion of between 25 and 40 million dollars. It is going to increase jobs during the construction time. And then after the construction time, when this is operational, it is also going to increase the sales tax on the product that will be produced by this plant. So the \$250,000 approximately that we are going to lose in the biennium on the sales tax, we will recover more than that through jobs, through the sales tax increase on the products and I think this is the only way we can encourage industrialization in the State of Maine.

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

Mr. CURTIS: Mr. President and Members of the Senate: In his message the Governor suggests that this measure should be considered at some future date. May I suggest that it is time for our government to stop thinking about jobs and industrial development and expansion and to start taking action.

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

Mr. KATZ: Mr. President, it is not often I have the benefit of having the majority and the minority leader get up and castigate the position I have taken. In the last session of the legislature we did accomplish a significant amount of tax reform. The sales tax exemption on machinery and manufacturing covered every single manufacturing plant in the State of Maine. The stock in trade tax phase-out covered every mama and papa store in the State of Maine, every gas station, every automobile dealer, every newspaper in the state that had newsprint in its inventory. And that is what I call meaningful tax reform to encourage business.

But let me suggest to you that the only fact that I see in front of you is that my constituents are going to have to come up with their share of a quarter of a million dollars in lost revenue. The rest is conjecture.

You know, it is not very far from this bill to addressing our attitude to our attitude towards an electroplating process. It is different. An electroplating process uses an awful lot of electricity to form a bond between pure silver and copper, or pure silver and nickel silver or other alloys, and I suggest that the next reasonable step is to come in next session and exempt another little segment of industry. I think it is a Pandora's Box. I want the Senate to know that when I say I agree with the Governor remarks I am referring to the last paragraph which refers to the merits of this bill — and I agree it is an important bill. What we are being asked to do here is to grant a single exemption to a single community, and the money that is lost will be gladly shared by all the other taxpayers in the state, and I do not look upon this as meaningful industrial development at all.

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

Mr. TROTZKY: Mr. President, I would like to pose a question through the Chair to any Senator who can answer it. The State of Maine is losing \$240,000 in revenue with the passage of this bill. Now, in my own community there are human services which need funding. So my question is: Is the state going to make up this \$240,000 in some other manner?

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

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, the gentlemen that we have spoken with that are from the head office of this Sobin Chlor-Alkali have not promised us pie in the sky, but they have said that the proposed expansion would certainly be considered more in favor of having that expansion in Orrington than in another possible site which would be in Canada. If this expansion does come to Orrington, it would more than offset what we would lose in the next biennium for sales tax. But more than that, even if it doesn't, if we move this sales tax on the electricity we put this particular firm in a competitive status so that they are in a place where they can provide the caustic soda to the paper companies. And where the paper companies are expanding, Sobin Chlor-Alkali also has to expand in order to keep up with the demand. It is only right, if we are going to do something that is good.

for our large and important paper industries, to see to it that one of their major ingredients, one of the ones that they need the most, that they can get it at as reasonable a price as is possible. This is closest to them, and is something I think that has many far-reaching influences throughout the entire industrial segment of the State of Maine.

The PRESIDENT: Is the Senate ready for the question? The pending question is: Shall the Bill become a law notwithstanding the objection of the Governor?

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I was going to respond to the remark of the Senator from Kennebec, Senator Katz, however, I was going to withdraw my remarks because he was out of the chambers, but he just came back. He mentioned that at the special session we did pass a very substantial tax reform. It all depends on from which point of view you are looking at it. I call a tax reform as those that are affected pay the bill, they fund it. Now, all of you know very well that the inventory tax was improperly funded. In fact, in the next biennium we are going to find ourselves with a deficit, according to the projection given to me by the Tax Department, in the neighborhood of 8.7 million dollars. And come 1977, it is going to be in the neighborhood of 30 million dollars. Now, I don't call that tax reform. I call that a raid on the treasury.

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

Mr. BERRY: Mr. President and Members of the Senate: I must take issue with Senator Cyr of Aroostook in his last remarks. The removal of the inventory tax was one of the most progressive things that the Maine Legislature has done through the years. It made Maine industry competitive. It made them responsive to the needs of the community in providing services and materials. And there was no mistake in the funding; it certainly did provide and will provide for increased appropriations from the general fund. No one made any statements to the contrary. The next thing we can do is perhaps get after the personal property tax, and then we will have things beginning to be lined up.

My objection to the legislation is the same as it has been through the years. This is, as I think was indicated, the third time we have the bill, or certainly the second. Senator Speers of Kennebec said that we were rectifying a mistake. We are only rectifying a mistake, Mr. President and Members of the Senate, for one particular industry, and that is where I take umbrage with the issue. Why is this particular industry singled out?

Perhaps we ought to give a little thought to the major industry down in the area of the good Senator from Knox, Senator Collins, an ailing cement industry which seems to be attracting quite a lot of attention, and I think perhaps we could do something meaningful there to help them out.

Now, the next thing we are going to see, as was indicated, is the pulp and paper industry coming in here, and they have got quite a lot at stake with the sales tax as far as electricity is concerned. I think just exactly as was stated by Senator Katz, the problem is singling out of a particular industry, the discrimination. This is the nub of the whole matter. Now, under the

name of discrimination, are we going to do these things? There are the questions that each of us had to answer in his own mind.

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

Mrs. CUMMINGS: Mr. President, this particular company is certainly not asking for any relief from sales tax on their use of electricity as far as anything except in the makings of this product. It is quite different to ask another company about taking the sales tax off their electricity if they use it for light or heat, so I think that this company really is unique and that this does not open the doors that have been suggested.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays". A vote of "Yes" will be in favor of the Bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

#### ROLL CALL

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

NAYS: Senators Berry, R.; Graham, Hichens, Katz, Reeves.

A roll call was had. 27 Senators having voted in the affirmative, and five Senators having voted in the negative, and 27 being more than two-thirds of the membership present, it was the vote of the Senate that this Bill becomes a law notwithstanding the objections of the Governor and was by the Secretary presented to the Secretary of State.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.