

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

Wednesday, May 28, 1975

Senate called to order by the President.
Prayer by Rev. Richard W. Beebe, First
Congregational Church of Fryeburg:

Let us pray. Almighty God, creator of the universe and maker of the laws of life, we praise your holy name and offer our gratitude and thanksgiving for the many blessings you have bestowed upon us. We pray this morning for your divine guidance for this day. Enable us to know the truth, that our judgments may be sound, our decisions just and our actions fruitful. Lead us in the path of righteousness, that those who have placed their trust in us may have their confidence rewarded. We are humble, dear Father, for the deep responsibility of guiding this great State of Maine. Reward our humility and our trust with your ever present guiding hand, that we may leave a legacy for all to be proud. May we accept your blessing now and always. Amen.

Reading of the Journal of yesterday.

Communication

May 27, 1975

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

The House voted today to Adhere to its action whereby it indefinitely postponed 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).

Respectfully,

Edwin H. Pert
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports

**House
Divided Report**

Six members of the Committee on Energy on, Bill, "An Act to Require Legislative Approval for the Construction of a Nuclear Power Plant Used by a Public Utility to Generate Electricity." (H. P. 1261) (L. D. 1555)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators:

ROBERTS of York
TROTZKY of Penobscot
CIANCHETTE of Somerset

Representatives:

FARLEY of Biddeford
DURGIN of Kittery
JACKSON of Yarmouth

Five members of the same Committee on the same subject matter report in Report "B" that the same Ought to Pass as Amended by Committee Amendment "A" (H-407).

Signed:

Representatives:

DAVIES of Orono
CONNOLLY of Portland
KELLEHER of Bangor
BENNETT of Caribou
BYERS of Newcastle

Two members of the same Committee on the same subject matter report in Report "C" that the same Ought to Pass.

Signed:

Representatives:

GREENLAW of Stonington
TORREY of Poland

Comes from the House, Report "A" Read and Accepted.

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

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 Relating to the Maine Criminal Justice Academy." (S. P. 175) (L. D. 555)

Leave to Withdraw

Mr. Graham for the Committee on State Government on, Bill, "An Act Establishing Financial Disclosure Procedures for Elected and Appointed Officials." (S. P. 473) (L. D. 1607)

Reported that the same be granted Leave to Withdraw.

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Repeal the Law Requiring the Fixed Wage Rates to be Paid on Public Works." (S. P. 301) (L. D. 1025)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ROBERTS of York
PRAY of Penobscot

Representatives:

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

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

Signed:

Senator:

McNALLY of Hancock

Which reports were Read.

Mr. Carbonneau of Androscoggin then moved that the Bill be tabled and Specially Assigned for May 30, 1975, pending Acceptance of either Committee Report.

On motion by Mr. Speers of Kennebec, a division was had. Nine having voted in the affirmative, and 20 having voted in the negative, the motion did not prevail.

Mr. Carbonneau of Androscoggin then moved that the Senate Accept the Minority Ought to Pass Report of the Committee, and Mr. Pray of Penobscot subsequently requested a division.

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

Mr. DANTON: Mr. President, would some committee member please explain this bill?

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

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: This bill would abolish what I think is a bad law on the books of the state. It discriminates against all industries to pay for one in particular,

construction. Insofar as state construction projects are concerned, in broad everyday understandable language used by other than professional people it means this: We the state grant you, the contractors and your employees, the right to charge us twelve percent more for wages to pay your employees when you contract with us because we like you more than the other industries in the state, namely; paper industries, automobile industry, public utilities, to name a few. It is like telling the voters that we the legislators elect are professional money spenders.

When you, the taxpayers, contract with someone to build a house for yourself or a factory, you normally will give the job to the contractor who will give you the most for your money, which is logical. We, the Legislature, take your tax money and spend it much quicker than you do; we are experts on spending. We make laws to obligate the state to contract to force people to take more from us than they would from you for the same work. Isn't that something? It is no wonder that in 1962 the state budget was \$162 million and in 1972 it was close to \$500 million. Well, I think this is wrong. This is why I put this bill in.

I think we are elected here to use our judgment and manage this business of state government as efficiently and economically as possible. Not as expensively as possible. I am sure that none of you pay seven dollars an hour for labor when you can buy the same labor for four dollars and a half. That is just pure ordinary common sense and good business. Why do we not practice this ordinary common sense and good logical business sense at the state level? I happen to believe that this is our duty. That is what we are getting paid for.

In conclusion, I want to state that I am not implying that the people who voted this bad law, as I call it, were irresponsible when they passed it. I just can't see the logic. Now is the time to remove from the books something that should not have gone on in the first place. That is what this bill is all about.

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

Mr. ROBERTS: Mr. President and Members of the Senate: I would like to explain the Majority position of the committee. This law has been on the books since 1968, and what it provides is that whenever there is going to be state construction on public buildings and that sort of thing, that the people who are going to build the buildings, as far as the price they pay for labor, they are obligated under this law to pay the mean price of labor in this area. So they go through the Department of Manpower Affairs, they get an average of what is paid in this area, a mean of what is paid in this area for bricklayers, for carpenters, for all the various people who will be employed in the building of this building, and from that average, those are the prices which are put in the contract. They are not paid the highest, they are not paid the lowest; they are paid what is the mean for the various employees that are required for the building of that, and that is what this law provides.

There was a lot of opposition to the bill, naturally, from people in labor, labor unions and so on, but it doesn't require that it be a union contract or that sort of thing. It just requires that the pay that is paid for this work be the mean of the pay for

similar work in the immediate area where the building is being built.

I hope you will support the Committee's Ought Not to Pass Report.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I would like also to call to the attention of the Senate that had these laws not been on the books for the last three bienniums the state would be ahead by 11½ million dollars. That is the amount of money that we spent, I think, too much for construction, road construction, school buildings, and what have you.

Now, what could we do with 11½ million dollars today? We have been wracking our brains over here for the last four months trying to find some money to send our kids to school, to pay for the school lunch program, and so forth, but the money is not here. I think it is time that we tried to get it back where it belongs.

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair, if the good Senator would like to answer it, as to where the 11½ million dollar figure came from.

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

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: This figure was gotten from the BPI right here in Augusta.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I certainly wish to endorse the comments made by the good Senator from York, Senator Roberts. What this bill does is simply ensure that any state buildings that are going to be built will not be built by workers who are being paid a wage substantially lower than the wage of workers in the same area who would be working on other contracts.

I don't know how the BPI may have come up with the figure of 11½ million dollars because, at best, that is purely speculative. It would have to be speculative since the public buildings, of course, are put out to bid, and we do not know what the bids would have been had this provision not been in the law. But that basically is what the law does do. It requires the contracts which are to be bid upon would be using the same rate for labor as others in that same area.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: The reason why I asked for a tabling motion at the outset of this debate was because I found this on the calendar this morning and I was not completely prepared. I have some notes and I have some figures and copies of letters that were obtained from the BPI, which I could substantiate — not to contradict the good Senator Speers from Kennebec, but I could substantiate the figures I just gave you if I had a little more time. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the

Senator from Androscoggin, Senator Carbonneau, that the Senate accept the Ought to Pass Report of the Committee.

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

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

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

Sent down for concurrence.

Reconsidered Matter

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

Mr. REEVES: Mr. President, having voted on the prevailing side, I move to reconsider item 6-1 on today's calendar, Bill, "An Act to Require Legislative Approval for the Construction of a Nuclear Power Plant Used by a Public Utility to Generate Electricity", (H. P. 1261) (L. D. 1555), and I wish to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. REEVES: Mr. President, I am not against nuclear power, but I am concerned about certain plans and proposals to use Maine as a nuclear power bank for the northeast. I have seen a report in the last couple of years of the New England River Basins Commission which proposed 20 to 30 nuclear plants on the Maine coast by 1990, and I have here a newspaper article which proposes 40 such nuclear plants in Maine. I think that we as representatives of the people should participate in these matters. I believe it is our duty and I believe that this bill would give us that opportunity. I hope the Senate will vote to reconsider and then accept the Ought to Pass Committee Report. Thank you.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I arise to support Report "B", not in the wild hope of swaying this body but to speak for my constituents and to appease my own conscience. Tentative plans, as Senator Reeves has mentioned, are on the drawing boards for a mammoth nuclear power bank in Maine, a center 60 times more powerful than the plant in Wiscasset.

In this stampede to develop nuclear fission, we may forget that many scientists have the gravest doubts not only about nuclear fission safety but about the ultimate practicality. The raw material for nuclear fission is by no means inexhaustible. Nuclear fusion and especially solar energy may be the answer to our energy problems.

So far, there have been no real accidents but we are like children playing with dynamite. One, just one real accident could be catastrophic. Surely, therefore, we should have some protection from the federal and corporate power giants to decide what is good for Maine. This bill would enable us, Report "B", would enable us the representatives of the people of Maine, to insist that these mighty federal and corporate bureaucracies convince us that their nuclear fission plans are safe and in the interests of the State of Maine. Maine has no future as a national guinea pig.

I would request a roll call.

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I would like to speak against reconsideration, and if I am correct what is Report "B", what Report "B" does is state that nuclear power plants can be constructed without jurisdiction of the Department of Environmental Protection. It says here, number 2 under Report "B", "Jurisdiction over siting and construction, notwithstanding any other provisions of the law, no public utility shall be required to obtain approval from the public utilities commission under Section 13 or approval from the Board of Environmental Protection." I feel this report is irresponsible.

Secondly, concerning the bill itself, I wonder what competence the legislature has to judge the safety of nuclear power plants. I feel all this would do is impede construction of nuclear power plants, and right now our country needs energy and the State of Maine needs energy for economic progress.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Reeves, that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Conley, Graham, Merrill, Pray, Reeves.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, O'Leary, Roberts, Speers, Thomas, Trotzky.

ABSENT: Senator Wyman.

A roll call was had. Five Senators having voted in the affirmative, and 26 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Second Readers

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

House

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

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)

Bill, "An Act to Conform the Pesticide Statutes to Federal Law." (H. P. 1611) (L. D. 1890)

Bill, "An Act to Establish the Construction of Bikeways as a Responsibility of the Department of Transportation and to Provide Funding Therefor." (H. P. 1626) (L. D. 1900)

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)

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

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

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

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

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

Bill, "An Act to Require Returnable Beverage Containers." (H. P. 1609) (L. D. 1888)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-208, was Read.

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

Mr. THOMAS: Mr. President and Members of the Senate: I oppose the adoption of Senate Amendment "A". The purpose of this amendment is to remove the referendum from the bill.

Mr. President and Members of the Senate: As Chairman of the Business Legislation Committee which voted on this particular motion 12 to one; therefore, 12 of the 13 members felt there should be a referendum on this bill, I feel it is my responsibility to try to give to you some of the committee's thinking on this very important issue. I will be urging you to vote against this amendment. The committee's thinking was that there will be a referendum on this issue no matter what we do in the Senate. The question therefore becomes, with that assurance, not will there be a referendum but when will there be a referendum? What will the referendum be on, and how will it be conducted?

It is clear that the Maine Grocer's Association will bring this bill to referendum if it passes. It is equally clear that the Maine Citizens for Returnable Containers will bring this bill to referendum if it fails. And with that as a given fact, we should proceed with the discussion of this amendment. So the two questions again are: How the bill will go to referendum, and second, and perhaps more important, is when it will go to referendum.

We in the committee are concerned in what form the bill will be produced to go before the public. We, as a committee, spent a great deal of time trying to deliver to the people the best technically correct vehicle that the people can vote on, because if the are to have a true expression of the people's desire on this issue, it is very important that the bill be quite precise and quite clear as to what it wants. But as we know, if we lose control of this bill; in other words, the signature procedure is used, almost anything can be thrown in this bill and it will not necessarily be the best bill or the best indication for anyone, indeed people who are willing to sabotage the bill, and could make sure that certain provisions were in it which could insure defeat.

More important, however, is the question of when such a bill would go to referendum. If this bill is defeated, and the Maine Citizens for Returnable Containers go the referendum route, we all know that the bill would then have to be

presented to the 108th Legislature before it could go to the voters. The issue is, therefore, when is the bill going to referendum? And I feel that there is an intense interest in this state as to this issue. In fact, I feel that it is now a populist issue, and I feel that we owe them the obligation to allow them to vote on this bill as soon as possible.

The final point, the point of cop-out: are we copping out if we vote for this bill which just has a referendum? I say no. If anyone wants to go on record in favor of this bill all they have to do is stand up and say so. I am in favor of this bill with a referendum. It is not a question of ducking; we are all going to be on record, so don't be fooled. Defeat this amendment. Leave the referendum on; it is the fairest thing if you want democracy to work. Thank you.

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

Mr. PRAY: Mr. President, if this issue has become a populist issue then I guess I am going to become an unpopular fellow. I have continued to vote against issues that have sent bills out to referendum. I don't think the action of this legislature is to reflect that we should send out issues that become populist or not populist, not to dodge it, or whatnot, but our actions are to act upon the legislation or the merit of the legislation before us. And I don't care what anybody says, the talk in the halls and in the meetings at night around here, there are a lot of people happy to see the referendum clause there because it does provide them an out. It is easy to stand up here and say it doesn't or it does, but let's face the facts, it is there. People are always saying that I can go back and I can say, quote, "It was a very close issue. A lot of my constituents got ahold of me and said I am in favor of it, and the other half said no, I am opposed to it. So what I did, being the nice fellow that I am sitting down there in Augusta, I decided to let you people decide. I didn't vote for the bottle bill", he can tell the storeowners, "I voted to send it out before the people, and you are one of the people so you can vote on it."

As to the other points that the good Senator, Senator Thomas, raised, as to the question of when and how it will go to referendum, I also believe that the piece of legislation will go to referendum if it fails here. If the good Senator has so much faith in the populist idea of this issue, then I think the people in this legislature representing their constituents will express that in their votes. The decision is to be made here, not out on the next referendum ballot the following November. If it does fail, and these people want to take the route of referendum, that is already in our statutes and our law says they can do it. It is kind of a fail-safe clause that allows people that feel strongly about something to put something on the ballot. I don't think it is up to this body to put it out there. That action is there for those people to take. I am not concerned about when or how it will go to referendum. Many issues have come before us before and the referendum issues have almost always been defeated. Nobody then raised the question of how and when it will go out to referendum.

I would urge all of you to support the amendment and to make the decision here.

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

Mr. THOMAS: Mr. President, I would like to point out that if this goes to referendum, the effective date of the bill, if it passes referendum would be January 1, 1977. The reason for the delay in the effective date of this act is that the Environmental Protection Agency suggests that lead-in time be given so that distributors can better comply with the law. Also, because of our tourist industry, the beverage people requested that we make the effective date in January rather than in July when business is at its height.

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

Mr. PRAY: Mr. President, just a few minutes ago we heard about the time and energy that the committee spent on this bill and how twelve members of the committee signed one report. And I have just had handed to me a committee amendment to that same bill by the committee chairman who spent so much time working on that bill so it would come out so it wouldn't have to be amended, perhaps the referendum clause or whatnot, but there has been a change in thinking somewhere along the line.

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

Mr. KATZ: Mr. President and Members of the Senate: I have had the privilege of serving on the Committee on Business Legislation in two sessions, and I must say that the Maine Senate has been singularly lucky the last couple of sessions to turn up chairmen who have done a superb job. By any yardstick, it is a rotten assignment, loaded with bills all of which have significant implications for the people of the state. Last session Senator Cox of Penobscot, and this session Senator Thomas of Kennebec, both their first term as chairmen of major committees, and both did an extraordinary job sticking right to sticky problems and coming up with solutions. So my hat is off to the Committee on Business Legislation for dealing with so many difficult issues.

I would like to talk very briefly about the question of the propriety of the legislature sending issues out to referendum, because the press has had a great deal to say, notably the Portland papers, about an expanded town meeting concept of government, and the editorial comment has been in opposition to sending issues out to referendum. Well, I am in disagreement with the editorial writers of the Portland paper on this question. I think that every session there are issues that come up before the legislature where the people's involvement seems to add strength to the process rather than delete from it.

You will recall on the liquor issue, on the question of whether our youngsters be permitted to vote at 18 or 20, my position was consistent that I felt this was an issue in which the people were very clearly saying "We want in." On this issue I think the people are clearly saying "We want in." How many of you have had, as I have had, close to 1400 contacts from citizens around the state on a single issue, either through individual letters, personal contacts, telegrams, signatures on petitions. It is extraordinary. It is an extraordinary issue. And people look at it in different ways. Some people are concerned only with cleaning up our highways and our byways, and this is of interest, but really the basically important issue in this whole thing is the fact that it is a unique opportunity for the people to express themselves on the nature of our

new attitudes towards a wasteful economy. And these are the letters that really get to me, people saying that it is wasteful for us to use something once and discard it.

I think that a statewide debate on this issue would be fascinating, it would help to crystalize public opinion, and it would develop into a real town meeting on a statewide basis. So irrespective of my vote on the final issue, this is one case where I really, really believe that a referendum is not a cop-out but an opportunity for a statewide debate on a very, very significant issue. Consequently, I oppose the adoption of the amendment and hope that it is indefinitely postponed.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I must agree with Senator Katz on the flowers that he sent towards Senator Thomas, and I agree with him 100 percent. I do disagree with some of the remarks he makes though.

First of all, let me call your attention to one particular fact, and that is that there is a bottle bill every session of the legislature, as far as I can remember. I remember so many years ago I used to come up here once a year to fight a bottle bill when I was in business.

As for the cop-out, yes, I think it is a cop-out. I think that we people are elected here to make major and minor decisions. That is what we are getting paid for. And for the man that put that amendment on there for the referendum, he stated to the news media that he didn't think the bill had a chance to get through the Senate unless it had a referendum. Now, actually this young man is telling me that I can't make up my own mind, that I have got to take it back home and have them do it for me. This young man is only about 26 or 27 years old; I double him in age, and I think I have been living long enough to make my own decisions, and I respectfully suggest that all of you can also. Thank you.

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

Mr. SPEERS: Mr. President and Members of the Senate: I too wish to extend to the Committee on Business Legislation congratulations for wrestling with a very difficult problem, particularly the chairman for handling this particular bill. I would like to congratulate him as well on what I consider a very fine statement regarding the referendum question. I must, however, disagree with the conclusions that he draws.

I don't think that it is a foregone conclusion on this particular matter any more than it may be a foregone conclusion on any other hard, controversial question that comes before this body that there will be a referendum one way or the other. And even if we accepted that as fact, I really do not believe that that should influence our opinion here today, this morning, as to whether or not it is our responsibility and our duty to undertake to decide on this particular issue as to whether or not it is a good question or good act for the people of the State of Maine.

There are any number of questions that come before the Senate every year on which we could say the people have a very vital interest, it affects their lives, their daily lives, and that therefore they should be given an opportunity to vote yes or no on a particular issue. The calendar is full of those issues here this morning. We just

debated one on nuclear power. We could probably go through this and pick out half a dozen of these issues which we could say if the people were fully informed and stirred up about them that they would be justifiable issues to be sent to the people for a referendum. But that, Mr. President, simply isn't our form of government. We have a republic under which the people elect representatives to come here and make the hard and difficult decisions for them, and it has worked well for 200 years and I hope will work well for an infinite number of years in the future.

This is not an easy job, and I don't think any of us thought it was an easy job when we asked the people to send us here. And the job includes some very easy decisions, but it also includes some very difficult decisions. And sometimes we make the right decisions in the minds and the eyes of the constituency back home, and, hopefully when that occurs we will return to these chambers. Sometimes indeed we make the wrong decisions, and when that occurs we probably will not be returned to these chambers, but that is the very essence of democracy.

It seems to me to indeed be ducking the issue to say that on this one particular matter, because it is a difficult question, because there are no easy answers to it, that therefore we should not make the decision, because that is not what we are here for. I would certainly hope that the Senate would realize what we are here for and pass this amendment.

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

Mr. BERRY: Mr. President, I wish to congratulate the good Senator from Kennebec, Senator Speers, on a very philosophical and laudable discussion he gave us on the democratic principles involved here in our responsibilities, and I agree with him 100 percent. I would like to step down to a slightly lower level, however, and be a little bit political for the moment.

The amendment, of course, is illy stated in its statement of fact. The purpose of this amendment is to kill the bill, is what it should say. I have since the start of the session been very much in favor of both bodies making the decision themselves and, as Senator Speers says, to face up to our responsibilities and make the decision, and not pass it on to the electorate. However, I have become a little wiser since the first of the session in this particular area, and seeing the lobbying and the financial stakes involved here, I have observed and participated myself, particularly yesterday, in some of the activities connected with the bill. I have personally contacted I think all members of this body, except seven, I believe, and I can assure this body that there is no chance whatever of the bill getting enacted without a referendum on it. I think that is what you are up against right now. So I strongly urge you to vote against the adoption of this amendment.

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

Mr. PRAY: Mr. President and Members of the Senate: The good Senator Katz a little while ago brought up L. D. 4, which we had for many days in this chamber. It was discussed to all ends, and one of the amendments, Senate Amendment 50, called for a referendum. And today he put the referendum on the returnable bottle container bill in the same light as that L.

D. 4, the bill that dealt with raising the drinking age. In a way, I consider that a crime, because I considered L. D. 4 a very much more important bill, dealing with a very important issue, no matter which side of the bill you stood on. There were a lot of points and a lot of merits made on both sides of the bill. He compared the two on the referendum clause. And I think if anything perhaps deserved to have gone to the people to vote upon it would have been that bill, because that affected what many of us considered a right or a privilege, something that dealt basically with something that was given to these individuals in the constitution of adult rights. But the comparison to me is strange when we look at the container bill, something that doesn't deal with this type of morals or what have you. And to use that same light to say that this one also should go to referendum, I think, as the good Senator from Kennebec, Senator Speers, has said, it is time for us who sit here to make the decision, to decide whether or not we should have returnable containers.

I think I can be quite truthful when I can say at this time that after this amendment is either accepted or not accepted that I do not as of yet know how I am going to vote on the returnable container bill. So the statement by the good Senator from Cumberland, Senator Berry, that the statement of fact should read that this amendment removes the referendum but kills the bill was quite erroneously made.

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

Mr. MARCOTTE: Mr. President and Members of the Senate: It is extremely difficult for me to understand the rationale that sending this bill out to referendum is not a cop-out. The bill has been discussed thoroughly by both sides of the aisle to the point where we are all familiar with the issue.

Now, I think that we were elected here to do a job. At least, I feel I was. I think we should face the issue here and now. This is the responsible way to act. In view of this, I would hope you would all support this amendment and face the issue right in this chamber today.

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

Mr. CYR: Mr. President and Members of the Senate: I will try to address the issue itself and not the referendum. I think here again we are trying to solve a problem with the wrong approach or the wrong tool.

If the objective is to try to eliminate roadside waste, then we are discriminating against three industries: the soft drink bottle industry, the beer industry, and the grocery industry. If we are trying to solve this as a waste disposal type of operation, I think we ought to go a little further. It should be a national problem, it should be a national approach, and it shouldn't be only for beer bottles, soft drink bottles, and beer cans, particularly domestic cans.

If we are trying to solve the problem of waste of resources, I think we ought to go a little deeper and we ought to approach the problem from the standpoint of our wasteful habits, and we should go right into the grocery store, we should go right into the packaging industry. When we see statistics that a third of the cost of our products in grocery stores goes for the packaging, I think that is where the wastefulness is. We should approach it from the standpoint of preserving our resources, and we should approach it from

the standpoint of all packaging, whether they are in bottles, whether they are in cans, or whether they are in wrappers. And possibly the approach that we should be considering is the approach that they have in Washington State, where there is a tax, a very minimum tax, on all packaging, whatever form they happen to be. I think that is where we should approach it, from the standpoint of waste.

I opposed returnable bottles ever since it has been presented for the simple reason that in my district I have a bottling plant, and every time, of course, that a bottling bill would come up I used to have some very good argumentation on its part as to why I should vote against the bottle bill, and I did. This year, where we are approaching a solid waste program which is coming the 1st of July to all our municipalities — and I happen to be on the town council — we are now wrestling with the problem of what to do with solid waste, which will be a very costly problem as far as municipalities are concerned. So I had reservations in my mind as to whether or not I should support this bottle bill this year or not, from the standpoint of solid waste, but the more I look at it the more I believe this is not the problem that will solve the problem of solid waste.

For your solid waste disposal program, you will have to go right into the home, you will have to educate the housewife to put her containers into different barrels, to put the glass, the bottles into one container and to put the cans into another one.

In our own case, we gave a permit last summer, for instance, to one entrepreneur to collect cardboard from the dump, and he is making a business of it. This is one segment of the solid waste which we won't have to face. We have given a permit to another gentleman to pick up the scrap iron. Now, I am sure if there was a national program started by the glass industry that would have some regional redeeming centers in various areas, that you would have some local entrepreneurs that would pick up these barrels of bottles maybe once a month or so and would go to these redeeming centers and sell it and make a business of it. I think that is the approach that we should take.

Also, I find it very distasteful using a bottle that I know in my mind — I know it is probably just psychological — but if I know that bottle has been used before and has been dragged around all over the place, and it now is refilled with the contents that I am drinking, I have a psychological barrier that I don't like. So I think, again, we are trying to solve the problem with the wrong tool. It should be approached from a national standpoint, it should be approached by the glass manufacturers — we are told that they can grind this glass and remake bottles with it, or they can make asphalt pavement with it — I think that is the approach that should be used, and not try to put the burden of cleaning up our roads and cleaning up our solid waste on the shoulders of three industries.

So for that reason I will vote against the referendum, because I don't believe it is necessary, I don't believe the public understands it, there is too much emotion attached to it, and I don't believe they will get the proper briefing as to how to vote on it, and I don't believe that is the solution. As a result of that, I will vote against both the referendum and against the bottle bill.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think there is a question of semantics here that should be put to rest. There is no way that any member of this Senate can avoid making a decision here today, with the possible exception of walking out that door and hiding somewhere for the next few hours. We are going to make a decision. We are probably going to make two decisions. But we are going to have to decide one decision as to whether or not this issue should go to the people. It is not a decision, if we make it, that is going to please either side of this issue. Frankly, I think the only way to come out of this with any improved political position would be to take one side and take it very strongly, and at least then you would end up with some good friends on the side that you went on.

In talking to the people that I have talked to and my good friends and supporters on both sides of this issue, I am convinced that none of them will be pleased with my action in voting to send this issue to referendum, but I think that we should, and I think that we should for three reasons:

First of all, the reason that has already been touched on, that this issue is going to go to referendum no matter what we do here. It has been mentioned in the debate by an opponent that this issue has come before the legislature time and time again. It has come before the legislature because there is growing concern about it. And I think any of us who reflect upon the amount of mail that we have gotten, and the degree to which we can testify that both sides on this issue are organized, that we know full well, if we stop and reflect on it, that eventually it is going to the people.

But there are two other good reasons, I think. One of them was touched upon by the Senator from Kennebec, Senator Katz. Leaving aside the merits of this particular piece of legislation momentarily, and I am as concerned about them as the Senator from Aroostook, Senator Cyr, and some others, there is an issue that runs throughout this whole debate on the bottle bill, and that is the issue of where this society is going to go, what this throwaway society is going to do as it approaches a time of limited resources. I think that the state can benefit from a debate that talks about that issue. Whatever it decides with this particular piece of legislation after the public has been educated, and I am sure they will be by the discussion, I have a great deal of faith in the ability of the people to decide on these issues. There are some people who said back when the income tax issue went to referendum that the people would never vote to tax themselves. But after the issue was debated, they heard the merits on both sides, they made that decision by an overwhelming majority, one of the few states in the nation that has ever made that decision. So I have faith in the Maine voters after they have had a chance to hear both sides of the issue. But I think that by us taking this action and initiating this important debate we will be doing something more constructive than either passing or defeating this bill as such, because it is a debate that the people of this nation and the people of this state have got to engage in. It is a question that can't be ducked.

There is one other final reason, and it is the major reason that I am doing this, knowing full well that it is not going to please the strong supporters or opponents of this bill. There is a feeling, and it is

growing among our people, that they have nothing to say about what goes on. I saw a man interviewed about a problem that affected his business the other day on TV, and he talked about why he thought it was important to him. Then they asked him what he thought was going to happen, and he said, "Well, it is up to those people in Augusta." And that was it. He felt as remote from the decision-making process as a man in Czechoslovakia would feel from what we do here. I don't think that that feeling is completely legitimate. I know that the members of this body struggle and work hard to see that they reflect the views of their constituents and that they keep their ear to the ground, but we know it is a feeling that is growing.

Those of us who live in towns that have town meetings and attended them, or happened to attend town meetings in towns where we don't live this year, and saw the frustration of our citizens when they found that there were so few items on which they could really work their will today, those of us who saw that frustration know what is being talked about. Those of us who have visited the more urban areas of this country and see how it has gone know what they are talking about. There is nothing more vital to the success of a democracy than the feeling on the part of the public that they have something to say about the way the nation and the way their country and their state goes. If you lose the feeling on the part of the people that they are responsible for the decisions that are made, the people won't be responsible to the government anymore. And in a democracy, in a government that protects individual freedom, if the people lose the feeling that they are responsible for what happens, you have lost the whole game. So I think that for this reason alone to send a message loud and clear back to the people that we represent that, no matter what our personal feelings on this bill, knowing how personally involved so many of the citizens of this state are, and saying to them, "You listen, and you decide", that we will be taking a step forward as far as a much bigger issue is concerned, and that is the issue of assuring the people that this democracy serves that they are involved in the decision-making process and they are the ultimate decision maker.

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

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

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: It seems to me that some of the reasons which have been given for defeating this amendment which is proposed should be addressed.

The first reason, I believe, that was given is that this matter is going to end up in referendum. I am not so sure that is true. I think that was said in the last session of the legislature concerning the abolition or the changing of the powers of the Maine Milk Commission. And although there was an attempt made to bring that issue to referendum through the initiative referendum process, it failed, and the legislature again wrestles with the Maine Milk Commission issue.

The second reason they say why we should defeat this amendment is because it is an issue that concerns the people, and it has got to be faced one time or another by

the people because it involves the throwaway society. Well, on the 18 year old vote, I voted and spoke against sending that to referendum because I believe that we are sent here to make the decisions in a representative form of government, and I do believe there certainly is — although the motives and intentions on both sides of this issue are good — I do think that there is somewhat of a cop-out attitude in the referendum question. It seems to me that if we defeated the referendum issue on the 18 year olds we certainly should defeat it here, because the 18 year old issue was a much simpler one; it involved a very basic policy question which was easily understood, and that is should the drinking age be raised from 18 to 20 years old.

But this is, I think, an issue which is a little more complex. There are figures which have appeared from both sides of this issue, and they are figures that affect people, that affect people's lives, that affect jobs, and that affect costs to the consumer, and I don't think this is a simple issue. And it is one, I think, that legislators who are elected to make the decisions, and are in a position to ask the questions and to get the facts from both sides, are certainly the better ones to make that decision in a representative form of government.

So I would say that both arguments on the part of the people arguing against this amendment really don't hold up upon close scrutiny. And the arguments of the articulate Senator from Cumberland, Senator Merrill, it seems to me could be applied to any single bill. Sure, it is a democracy, and sure, the people should be involved in a democratic process, but the process is better served if the elected representatives, in a better position to know all the facts, make those decisions and then go home to face the voters in the succeeding elections as to whether or not they made the proper decisions. Thank you, Mr. President.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I was elected by the people of Bangor to vote for them here in this legislature. I was not elected to pass the buck. The frustrations of the people, I believe, come from a lack of positive leadership from our national congress but also from our legislature.

Let's take a look at one of the key issues that is facing this nation right now, and that is the national energy policy. The congress has gone through a lot of debate and we still have no national energy policy in a time of national crisis, energy crisis.

This bottle bill originally, I believe, should have gone to our national congress and been decided for our whole country. And again, I believe it should have been decided so that we only have returnable beverage containers. I have an article here from the Bangor Daily News which states that it costs 10 cents for a non-returnable bottle and 11.4 cents for a returnable bottle. It seems to me it is a sin and it is a waste just to drink a little sugar water and then toss these away.

Since our national government won't act, I think it behooves us in this legislature to act. And if enough states in our nation act, I think we will get an act from our congress prohibiting non-returnable beverage containers. So I will vote to take the referendum off this bill and I will vote for the passage of this bill. And I think if the bill dies it is because people are copping out.

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

Mr. HICHENS: Mr. President and Members of the Senate: I am going to vote against this amendment this morning. I have always supported the returnable bottle bills because, owning property along the highways, I have always been subjected to all of the bottles, broken and whole, which have been thrown onto my farmland and I sympathize with the people who have had the same problem. And I have had many, many people in my area, especially as I was campaigning last year, ask me to vote for the returnable bottle bill.

Since that time I have begun to receive petitions from many of the storeowners along the borders of the towns which I represent, and I can appreciate their concern also. But what bothers me was that on several of these petitions were the names of people who had asked me to vote for the returnable bottle bill, and I have letters downstairs from people asking me to vote for the bill who also signed the petitions asking me to vote against the bill. And I believe that when people are becoming that confused that it should be put squarely on their shoulders.

I can go back, having voted for the bill, and the storeowners will say, "Well, didn't you see the petition with all your constituents' names on it?" And then I could vote against the bill and go back, and people would say, "Well, didn't you get the letters or didn't you hear me say how I would like to have you vote on that bill?" So, if I am confused this morning as to what the people really want, I think it should be squarely on their shoulders.

But if I had any doubts in my mind as to how I would vote, yesterday afternoon it was changed when the lobbyist for the beer and wine wholesalers approached me and asked me to vote against the referendum clause. Apparently he wasn't doing as well as they hoped he would do yesterday in making so many Senators change their minds or vote against this amendment this morning, because I noticed that my good friend Mr. Dennett was brought up all the way from Kittery to do some lobbying. And I notice my good friend, Mr. Graziano, the Director of the Maine Beer and Wine Wholesalers, is sitting here and apparently has been doing some campaigning. So I think this has become a very selfish issue.

We have been told this morning that the grocers would bring it out to referendum if we voted one way, that the environmentalists would bring it out to referendum if we voted the other way, but the beer and wine wholesalers just don't want it to go to the people because they are afraid of what the vote would be. So I would vote against this amendment.

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

Mr. CURTIS: Mr. President, like everybody else here, I have received numerous communications. I was just checking my file that I have kept, and I have had a lot of petitions and letters both from proponents and opponents of this bill. And I note there are a lot of people here in the halls today who are interested, and I am glad to see them here. I think it is a citizen's right, no matter whether their interest is a business interest or a general ecological interest, or what it may be, I am pleased to see they are concerned about their government and willing to come to Augusta and join us in observing these proceedings.

As I left Orono this morning two things happened. One, I drove out of my driveway, and whereas right after the Memorial Day weekend I had picked up all the bottles that were out beside the road, this morning I drove out hoping to see a nice clear road again, and there was a broken — this happened to be a soft drink bottle, sitting right in the middle of my driveway in about a hundred pieces, real small ones that I guess I will have to clean up when I get back.

The second thing that happened is that as I was leaving my office downtown in Orono this morning before driving down, two people asked me if I was going down to discuss and vote upon the bottle bill this morning. I assured them that this was coming up today and would be discussed.

I think these things are indicative of all of the concern that is going on statewide. I would ask you if you, or anybody who has had more experience in the legislature than I have with five years, have ever seen a bill being discussed on paid advertising on television while the matter was still before the legislature? Now, people have gone to a lot of trouble and a lot of concern to raise this issue and to communicate with their legislators. I think they will be very unhappy if we here do not give them the opportunity to make the final decision.

Personally, I am very much in favor of the bottle bill and I would prefer not to send it to referendum, but under the circumstances, it would seem to me that the Maine State Grocers Association and the other organizations which are opposed to this bill have spent so much money already in petitions and so forth, that we ought not to force them — and I am sure they would do so willingly, but into the extra expense of circulating more petitions in order to bring a passed bill to a referendum. So, for that reason, I am going to vote against the referendum, but I will be happy to vote for the bill with or without the referendum.

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to the good Senator Curtis. Seeing that presently we have some containers that are returnable now, was that broken bottle outside in your driveway returnable or non-returnable?

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I was eager to head down this morning that I didn't stop to clean it up. I hope nobody gets a broken tire from it. It looked like it was in so many pieces that it may be very difficult to tell.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that the Senate adopt Senate Amendment "A" to L. D. 1888. A "Yes" vote will be in favor of adopting Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carboneau, Cianchette, Clifford, Conley, Corson, Cummings, Cyr, Danton, Gahagan, Graffam, Jackson, Johnston, Marcotte, O'Leary, Pray, Speers, Trozky, Wyman.

NAYS: Senators Berry, R.; Collins, Curtis, Graham, Greeley, Hichens, Huber, Katz, McNally, Merrill, Reeves, Roberts, Thomas.

Mr. Collins of Knox was granted leave to change his vote from "No" to "Yes".

A roll call was had. 20 Senators having voted in the affirmative, and 12 Senators having voted in the negative, Senate Amendment "A" was Adopted in non-concurrence.

Mr. Thomas of Kennebec then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-209, was Read.

The **PRESIDENT:** The Senator has the floor.

Mr. THOMAS: Mr. President and Members of the Senate: The purpose of this Senate Amendment "B" is to clarify language in the redraft of L. D. 913, which is now before L. D. 1888. This amendment would do three things.

First, it would remove the definition of the word "premises", because the term is never used in the bill except in the definition section. Obviously then there is no need to define the word in the bill.

Secondly, the amendment rewords subsection 1 of section 1865 to provide clearer language, which states that although a grocer does not have to accept empty beverage containers, if that grocer does accept the containers he has to pay the full refund value for those containers. The way subsection 1 is presently worded in L. D. 1888, there is a question whether the grocer has to pay the full refund value for beverage containers which he accepts.

Three, the last change is an additional subsection, which would be subsection 5 in section 1865, which requires that people who purchase containers from grocers must pay a deposit on a container. Again, the way the redraft was worded, there may have been a loophole which would have allowed storeowners to sell returnables without charging a deposit, and also not to accept those containers back. By requiring that a deposit be paid, there will be an incentive for storeowners to take the containers back.

I would urge all those who favor the bill to support this amendment so that we can have the best bill possible as written. If we don't correct the loopholes now we will have trouble later.

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

The Chair recognizes the Senator from York, Senator Marcotte.

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

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

Mr. CONLEY: Mr. President, in listening to the good Senator from Kennebec, Senator Thomas, it appears to me that what he has said is, at least in one section of the amendment, is that any grocer is going to have to pay back the refund to a consumer or other person who brings returnables to him. It just seems to me that there may be some grocers who might not have the traffic in a small rural

community that you may possibly have in a larger city, and it would seem to me that if you were purchasing, say, a large quantity of softdrinks in the City of Portland, and you went up to Sebago Lake for an outing, that on the way back you could stop in to the fellow that owns a corner grocery store or a small grocery store in that area and get a refund. Now, it is my understanding that he doesn't have to take the returnable back but that he must give the rebate on the container. If the purpose of this thing is to have returnables, and the storeowner does not take the container but makes a rebate, it seems to me that the person who brought them to the store could dump them on the storeowner's front lawn and drive back to Portland.

The **PRESIDENT:** The pending question is the adoption of Senate Amendment "B". A division has been requested. Will all those Senators in favor of adopting Senate Amendment "B" please rise in their places until counted.

A division was had. 22 having voted in the affirmative, and nine having voted in the negative, Senate Amendment "B" was Adopted in non-concurrence.

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

Mr. COLLINS: Mr. President, having voted on the prevailing side, I now move that the Senate reconsider its action whereby it adopted Senate Amendment "A" to L. D. 1888.

The **PRESIDENT:** The Senator from Knox, Senator Collins, now moves that the Senate reconsider its action whereby it adopted Senate Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I request a division and hope you vote in opposition.

The **PRESIDENT:** A division has been requested. Will all those Senators in favor of reconsideration of the adoption of Senate Amendment "A" please rise in their places until counted.

A division was had. 11 having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

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

Mr. Thomas of Kennebec then moved that the bill be tabled and Tomorrow Assigned, pending Passage to be Engrossed.

On motion by Mr. Pray of Penobscot, a division was had. 13 having voted in the affirmative, and 18 having voted in the negative, the tabling motion did not prevail.

The **PRESIDENT:** Is it now the pleasure of the Senate that this bill, as amended, be passed to be engrossed?

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I am going to vote against this bill, and I would like to say why. Two years ago, I believe it was, we voted on a similar type issue and I voted against the bill then. And I was encouraged to vote against this by the wholesalers who were interested in this particular legislation. I went along with them then and told them, "O.K., but there is going to be a litter law passed in the State of Maine and I am going to be supporting a litter law, and I want you as representatives of the wholesale industry to come in here to the legislature with an acceptable, practical, reasonable, workable bill." I was assured by the president of the beer and wine wholesalers

that they would do just that. I thought that was fine, that was responsible, and I was all satisfied with that.

So we have come up with the Washington State litter act that creates a litter levy paid for by the wholesale industry, and as I understand it — I never attended one of their meetings, but I got reports on several — as I understand it, the wholesale industry was considering what they might do, and they considered that the Senate will kill any bottle bill, therefore, we are not going to be responsible and we are not going to offer any alternative legislation. I condemn them for that. I think it is small mindedness, narrow minded, selfish self-serving interests. They are wrong. However, I don't feel that it is right to pass regressive legislation like we see before us here this morning.

I am going to vote against this bill, but I am going to offer an alternative. Yesterday I introduced an order to the Senate and I asked you to read it. And you know, there are some good litter laws around the country, Connecticut, Florida, Washington State, we know about Oregon, we know about Vermont, and I say we have a wonderful opportunity here in Maine to pass a good litter act. I am very sincere about this order. I would like to see those states' legislations put together in one good litter act for the State of Maine. I think we could come up with something good, something progressive, something that would lead to education, something that would lead to recycling, something would lead to use of all of our waste and put that by-product waste to a good useful purpose. I think it could be done, I think it could be encouraged.

If we pass this bottle bill now, it is just a part-way measure. It is going to take the impetus out of passing a good litter bill. Maine needs a good litter bill.

I would like to just show you a few things that Washington State is doing. With just a telephone call to Washington State, I received a whole packet of information. They have a real litter program out there. They have got volunteers, they have got bags, they have got propaganda, they have got so many different areas of education, everybody carries litter bags, education goes on all over the place, shoot for zero litter sponsored by the Kiwanis Club. This one says, "When we are talking about ecology we are talking about ourselves. Litter doesn't fit in the picture. Caring about ecology builds a better tomorrow for us all. Litter is a people problem. Let's solve it together. Education is necessary because bottles don't litter; people litter. Pick up a mountain." We have got the boy scouts, the girl scouts, volunteer organizations with everybody joining in. Pick up, clean up, join the shore patrol, sponsored by the Western Washington JCs and Department of Ecology. There are more programs going on out there for education and taking care of the problem, and the problem is litter.

I say let's don't pass a regressive piece of legislation like this that tells people you can't do this and you can't do that, and you can only charge so much or you must charge so much. That is going backwards. Let's look forward, let's be progressive, and let's offer the people of the State of Maine some good legislation, let's know what we are passing, and let's get a good litter law. The best way to do that is to dispose of this bill and go to work on a good law. Thank you.

The **PRESIDENT:** The Chair recognizes

the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: I noticed this order going through yesterday, and it states that the Legislative Council be authorized with the Joint Standing Committee on Natural Resources to study the matter of solid waste problems. As Chairman of the Committee on Natural Resources, I feel that we should take that first step here in this Senate today by passing this returnable bottle bill, and I think that would reduce the solid waste in the State of Maine. It would also be one of the first steps in controlling litter.

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

Mr. PRAY: Mr. President, seeing how we have heard that this is such a controversial issue and the concerns of the people were so intimate in it, I would request that the vote be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call on the motion of passage to be engrossed 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 Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, may I inquire as to the pending motion?

The PRESIDENT: The pending question is passage to be engrossed.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I move indefinite postponement of this bill and all accompanying papers, and would ask for a roll call.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now moves that L. D. 1888 and all its accompanying papers be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call on the motion to indefinitely postpone please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Somerset, Senator Cianchette, that L. D. 1888 and all its accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Graffam, Jackson, Johnston, Marcotte, O'Leary, Pray, Wyman.

NAYS: Senators Berry, R.; Collins, Corson, Curtis, Gahagan, Graham, Greeley, Hichens, Huber, Katz, McNally, Merrill, Reeves, Roberts, Speers, Thomas, Trotzky.

A roll call was had. 15 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

(See action later in today's session.)

House — As Amended

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

(On motion by Mr. Collins of Knox, tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

Bill, "An Act to Amend the Fishing Laws of the State of Maine." (H. P. 1250) (L. D. 1531)

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

Bill, "An Act to Incorporate Howland Water District." (H. P. 1198) (L. D. 1786)

Bill, "An Act Relating to State-wide Correctional Program Improvement." (H. P. 473) (L. D. 593)

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

Bill, "An Act to Clarify the Medical Practice Art." (H. P. 1100) (L. D. 1381)

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

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)

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)

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

Bill, "An Act Creating Knox County Commissioner Districts." (H. P. 1373) (L. D. 1706)

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)

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)

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

(On motion by Mr. Pray of Penobscot, tabled until later in today's session, pending Passage to be Engrossed.)

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

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

Which was Read a Second Time.

On motion by Mr. Jackson of Cumberland, 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-207, to Committee Amendment "A" was Read and 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.

Bill, "An Act to Require Review of

Proposed State Regulations by Local Units of Government." (H. P. 891) (L. D. 1082)

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

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

Sent down for concurrence.

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

Which was Read a Second Time.

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

Mr. BERRY: Mr. President and Members of the Senate: I apologize for my earlier faux pas. I sometimes over here in the left wing receive bad advice from my seatmates, and it is not always due to just protocol either.

We haven't talked about dogs much this session and I think it is high time we did. L. D. 1630 is raising havoc with our canine friends, and it is a bill once again that we seem to have perennially, at least every two years.

The bill is quite a simple one, and the issue here is that if a dog is lost, your or my dog is lost, strayed or got away from us somehow, that you have got to find him in five days or it is too late. This seems a poor reward for man to give out to his best friend. Historically, we came from 14 to 10, and now we are down to five. I suppose pretty soon we will be asked to have our dogs disposed of if they get away from us for a day or two. The issue is just as simple as that.

It seems to me that five days is totally impractical. If you were traveling on a weekend and you were to lose your dog in a part of the state where you do not reside, you can't get back for five days and it is too late. I think it is just as simple as that.

There is going to be talk, I am sure, from the protagonists of the legislation that it is going to cost us money to do it. Well, if we want to save \$40,000 by cutting the time to find your dog from 10 to five days, I suppose we can save a lot more money by eliminating dogs altogether.

I would move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that L. D. 1630, Bill, "An Act Relating to Dogs", and all its accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I would like to correct the Senator from Cumberland, Senator Berry. The bill which we have before us had been accepted as amended by the committee raising it to seven days. I am not saying this is any better than the five days or any worse than the 10, but to correct that Senator, it is seven days which we are now voting on instead of five.

The PRESIDENT: Is it now the pleasure of the Senate that this bill and all its accompanying papers be indefinitely postponed?

Thereupon, the Bill and accompanying papers were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Senate

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)

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-213, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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)

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)

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

Sent down for concurrence.

Senate - As Amended

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)

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

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

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

(On motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

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

Sent down for concurrence.

Reconsidered Matter

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

Mr. BERRY: Mr. President, with reference to L. D. 1888, "An Act to Require Returnable Beverage Containers", having voted on the prevailing side, I move the Senate reconsider its action whereby this bill was passed to be engrossed, as amended.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby L. D. 1888, as amended, was passed to be engrossed. Is this the pleasure of the Senate?

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

A division was had. 10 having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

Orders of the Day

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

Senate Report — from the Committee on Local and County Government — Bill, "An Act Relating to County Home Rule Powers of the County Delegation." (S. P. 398) (L. D. 1307) Leave to Withdraw.

Tabled — May 22, 1975 by Senator Jackson of Cumberland.

Pending — Acceptance of Report.

Thereupon, the Leave to Withdraw Report of the Committee was Accepted. Sent down for concurrence.

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

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

Tabled — May 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-309).)

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

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for June 3, 1975, pending Passage to be Engrossed.

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

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

Tabled — May 22, 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-249).)

(In the Senate — House Amendment "A", Indefinitely Postponed; Senate Amendment "A" (S-188), Adopted.)

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

Sent down for concurrence.

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

Bill, "An Act to Authorize the Board of Registration in Medicine to Conduct Medical Education Programs." (S. P. 430) (L. D. 1417)

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

Pending — Motion of Senator Hichens of York to Recede and Con.

(In the Senate — Recommended to the Committee on Health and Institutional Services.)

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-443) in non-concurrence.)

On motion by Mr. Gahagan of Aroostook, retabled and Specially Assigned for May 30, 1975, pending the Motion by Mr. Hichens of York to Recede and Concur.

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

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

Tabled — May 23, 1975 by Senator Roberts of York.

Pending — Motion of Senator Danton of York to Indefinitely Postpone Bill and Accompanying Papers.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-428).)

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

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

Mr. ROBERTS: Mr. President, there is

an error in the Committee amendment, and I am planning to have an amendment to correct that error and make some other changes in the bill, so I would appreciate it if someone would table it for another day.

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

Thereupon, on motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending the motion by Mr. Danton of York that the Bill and accompanying papers be Indefinitely Postponed.

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

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Direct Initiative for Proposed Amendments to the Constitution. (H. P. 1421) (L. D. 1806)

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

Pending — Passage to be Engrossed. (In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-397).)

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

Mrs. Cummings of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-214, was Read.

The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President and Members of the Senate: This amendment is designed to allow the citizens of the state an opportunity to put some governmental reformation into action. We have tried many times to put through bills that would reduce the size of the House, and for some strange reason no one seems to want to vote that in case their office, I guess, is the one that is removed.

As the statement of fact indicates, this amendment provides for an initiated constitutional amendment to be sent to the people and it must be passed by a vote of the majority of all the members elected to each house instead of the two-thirds as it is now. However, in order to be sure that the amendment is not treated in a casual fashion, it would provide that two-thirds of those voting on the proposed amendment, that is, the voters in this state, the people, must be in favor of the amendment before it becomes law. I think that perhaps with something like this on the books we might be able to get some good reformation in the governmental process.

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

Mr. BERRY: Mr. President and Members of the Senate: I am somewhat at a loss to understand the two-thirds requirement of the electorate, and I would address a question to the Senator from Penobscot, Senator Cummings. Does she know of any other votes by the citizenry that require two-thirds of those voting to pass it? I just wonder if we don't have here an albatross that might prevent good legislation being enacted by the electorate.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question through the Chair to the Senator from Penobscot who may answer if she so desires.

The Chair recognizes that Senator Mrs. CUMMINGS: Mr. President and

Members of the Senate: No, I do not know of any other situation like this. The reason for doing that is because this would have effect only on a constitutional change, and the idea was to give it more support, have the citizens support it in greater numbers by having them have to have two-thirds as opposed to the two-thirds that would be required now in the legislature. This would put the two-thirds back into the citizens vote. It was supposedly put in there as a method of keeping the constitution a little more difficult for anyone to change. It had to have more support than just a simple majority.

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

Mr. CLIFFORD: Mr. President, we debated this proposed constitutional amendment several days ago. This, as you recall, is giving the people back something which they originally had under the Maine Constitution, and that is the power by the initiative referendum process to amend the basic document, the constitution of the state. The procedure in the original bill was where the required number of signatures were presented to the legislature, and then the legislature by majority vote in both houses sent it to the people, and then the people would ratify it.

The committee amendment, as you recall, took out of this change those rights in the bill of rights in the Maine Constitution which were considered to be too sacred to allow change via this process. I think the main objection which was voiced in the last debate was that at no stage in this proceeding was there more than a majority vote needed, and when the constitution is being changed the opponents said that somewhere along the line there ought to be two-thirds. This amendment I think does that. It puts in the two-thirds requirement at the stage of the voters. So I think what it attempts to do, or at least one of the things it attempts to do, is to get away from the inherent conflict which seems to exist in the legislature in the normal method of amending the constitution of the two-thirds requirement, to get away from the inherent conflict of the legislature reforming itself.

This may not be used very much, I suspect it won't, but at least it will be something that the people will have when they feel strongly on an issue that the legislature will not do anything about because of the failure to get two-thirds in both houses. It can be used as a vehicle to amend the constitution. I think that this amendment provides the necessary safeguard which the opponents talked about the last time we debated it, and I hope that the amendment would be adopted. Thank you, Mr. President.

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

Mr. SPEERS: Mr. President and Members of the Senate: I certainly agree that somewhere along the line there should be a requirement of a two-thirds vote. I must admit, however, that I feel that placing that requirement on two-thirds of the electorate who happen to be voting is going at this a little bit backwards, and I would much prefer to see it remain with two-thirds of the elected representatives of the people, the House of Representatives and the Senate, to make that determination. After all, all of us are elected to represent the people here and to make a considered judgment regarding

the matters, the proposals that come before us to amend the constitution.

I do realize the problem that exists with getting a two-thirds vote in one or the other branch regarding reform of the legislature itself, and I sympathize very greatly with the efforts of those who wish to amend the constitutional amending process in order to get at that problem. I think really, however, that the way to get at the root of that problem is for the people to become aroused enough regarding the constitutional makeup of the two bodies of the legislature that they will, as with other issues before the legislature, elect representatives who will come here and exercise the responsibility that is placed in them to propose constitutional amendments.

Now, I have said right along that I would not be opposed to the idea that there can be an initiative process to place the constitutional amendments before the legislature, and I think such a process would be very helpful. It would be helpful in providing a method by which the people of the state can give a message to their legislators that they do wish to have something done about this particular specific problem, whatever it might be, that they do wish to have that constitutional provision amended. But I do still feel very strongly that it should be up to a two-thirds vote of the legislature itself to determine whether or not that initiative or that proposed change should be one which would have an opportunity to be adopted.

With all due respect to the assistant majority leader in the Senate, Mr. President, I would move the indefinite postponement of this amendment.

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

Mr. MERRILL: Mr. President and Members of the Senate: I rise to oppose the motion just made by the majority leader, the Senator from Kennebec, Senator Speers. I compliment the assistant majority leader on this amendment.

I listened with some interest to the debate when it first took place on this bill, and I have to admit that I start with a prejudice which is against making it easier to amend our constitution. It is the basic compact by which we live together as citizens and work together as people of a state to accomplish our ends, and because the compact is so basic to our arrangement in this society I don't like to see it changed precipitously. And the argument that was made by the good majority leader in the earlier portions of this debate about it being a simple majority all the way through I found somewhat convincing. I was reminded of a debate I saw in the United States Senate one time when the late Senator Everett Dirksen pointed out that if it had been up to the majority Christopher Columbus wouldn't have sailed the oceans blue, and I was somewhat convinced by his arguments.

But if it is the big minority that we are trying to protect by requiring something more than a majority vote to change the constitution, I ask what group of people is it we are protecting? If we provide for two-thirds of the legislature, it seems to me that to be opposed to the bill that would be amended here is to say that we are protecting a large minority of the legislature and not the large minority of the people. So I think this amendment draws the question pretty clear. It will provide, as our United States Constitution

proves, two different means by which amendments can be made to our constitution: one requiring a two-thirds vote here and then a majority vote of the people, the other one being able to be initiated by the people and then voted by a simple majority here and then voted by two-thirds of the people.

I think that it has now, if we accept this amendment, if we don't indefinitely postpone it, the necessary safeguards to ensure that a simple majority of our citizenry can't change the basic compact by which we live, and I think that this amendment, both in the way it would be used and the fact that it would be there and present as we considered these items, would have a beneficial effect on the state. So I would urge the Senate to vote against the motion and would ask for a division.

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

Mr. SPEERS: Mr. President, I would like to simply correct an impression that may have been left by the good Senator from Cumberland, Senator Merrill. I am sure he did not mean to imply that the United States Constitution in any way can be amended in such a process as is being proposed by this amendment. That is not the case.

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

Mr. COLLINS: Mr. President and Members of the Senate: I oppose the motion to indefinitely postpone. I think that the amendment offered by the Senator from Penobscot, Senator Cummings, cures my own basic objection to the original program. We now have a process that must start with the people, receive a majority vote of both houses of the legislature, and then go back to the people once more for a two-thirds vote. It seems to me that this is an adequate safeguard for our basic document.

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

A division has been requested. Will all those Senators in favor of the motion to indefinitely postpone Senate Amendment "A" rise in their places until counted.

A division was had. Two having voted in the affirmative, and 28 having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

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

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

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

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-212, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the

eighth tabled and Specially Assigned matter:

Bill, "An Act Requiring that the Judicial Council Report to the Legislature." (S. P. 257) (L. D. 833)

Tabled — May 23, 1975 by Senator Curtis of Penobscot.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-183) Adopted.)

On motion by Mr. Curtis of Penobscot, and under suspension of the rules, 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-210, to Committee Amendment "A" was Read and Adopted.

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

Mr. CURTIS: Mr. President, because I think it is useful for the Senate to be able to know what is being done when amendments are offered, I would just like to explain that the purpose of this amendment in its present status is to enable the University of Maine and the Maine Maritime Academy to include their reports in the consolidated annual report of state government.

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

It is a vote.

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

Sent down for concurrence.

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

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

Tabled — May 23, 1975 by Senator Danton of York.

Pending — Passage to be Engrossed.

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

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

Senate Reports — from the Committee on Natural Resources — Bill, "An Act to Establish a Public Preserve in the Bigelow Mountain Area." (I.B. 1) (L. D. 1619) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

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

Pending — Motion of Senator Trotzky of Penobscot to Accept the Minority Report.

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for June 3, 1975, pending the motion by Mr. Trotzky of Penobscot to Accept the Minority Ought to Pass Report of the Committee.

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

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

Tabled — May 27, 1975 by Senator Reeves of Kennebec.

Pending — Final Passage.

(In the House — Finally Passed.)

On Motion by Mr. Curtis of Penobscot, retabled until later in today's session, Pending Final Passage.

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

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

Tabled — May 27, 1975 by Senator Conley of Cumberland.

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

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

Mr. CONLEY: Mr. President and Members of the Senate: I believe the issue before us is an issue that has been well debated and well discussed within these chambers, and I would say also in the halls of the Caucus Club and every other restaurant in town, but I think we all know exactly what the bill proposes. It has the support of leadership and also the chief executive, and I hope the Senate would vote against the pending motion to indefinitely postpone. And when the vote is taken, I would ask that it be taken by the "Yeas" and "Nays".

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

Mr. JACKSON: Mr. President, I have some information here concerning this program that might enlighten some people that don't have the knowledge of the scope of the act that was introduced by the congress to the Department of Labor and Manpower Affairs, if I might just take a moment to explain the purpose and the scope of the act.

It is the purpose of the act to provide job training and employment opportunities for economically disadvantaged, unemployed and underemployed persons, and to assure that the training and other services lead to maximum employment opportunities and enhances self-sufficiency. The purpose of this act is to be accomplished by the establishment of a flexible and decentralized system of federal, state and local programs.

There are seven titles to the bills as to how the funds are dispersed. I noted in the brief of the good Senator from Cumberland, Senator Conley, that he presented here, under Item 4, it says cities, towns and counties with less than 100,000 population join together to become prime sponsors, and it continues, yes, but federal administrative regulations require in such instances that no such prime sponsor shall be designated unless the State of Maine Chief Executive consents.

I have the rules and regulations guiding CETA that were published May 23, 1975, and in there, section 95.3, it only provides for consideration of the Governor's comments. He does not make the final decision. It is the Bureau of Labor and Manpower Affairs.

Another point I would like to bring out, and I didn't bring it out earlier in the debate, is that it is striking out at one segment of our government, namely, the counties.

Secondly, there is a section that provides in the new rules and regulations where the Bureau of Indian Affairs has full responsibility of title 2.

Now, another thing is the consortium,

the agreements of consortium. Municipalities, towns, counties, which have things in general, the county would have to maintain a population of 100,000 people. There has been a lot of talk in the halls as to what counties would be eligible and what ones wouldn't be eligible. I noticed Senator Conley listed three in the report, Cumberland, York and Penobscot. This morning I was talking with a gentleman and he said the population of Kennebec was 95,000. I didn't get whether that was the 1970 population or the present population, but I am under the impression that Kennebec County would qualify as a prime sponsor.

A consortium could be made up of counties or municipalities, as long as within the county it would have to be 100,000 people. They could take in the other counties which border on the prime sponsor.

I would think that if the state wanted to control this prime sponsorship wholeheartedly and 100 per cent that maybe they should have included in 1312 the provision where it took in the municipalities which could apply for consortium, or maybe we will see this back at a later date when a few municipalities do get together and make the application, or have taken into consideration the fact that the Maine Indians are prime sponsors for title 2.

This is the only thing that I have to say and I would appreciate and urge all the members of this body to vote for indefinite postponement, because I feel that government belongs with the people and for the people, and not with the bureaucratic system here in the capitol. Thank you.

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

Mr. MERRILL: Mr. President, I am wholeheartedly in support of this bill, and I would just like to say simply the reason for it. It came out inadvertently when somebody tried to lobby me against this bill last week, and they said, "Do you realize that if you leave it to the state that counties like Cumberland could be hurt because more of these CETA jobs could go down to the counties like Washington or over to counties like Piscataquis, because they have more unemployment up there, and it could end up hurting your county down in Cumberland?" Well, that is the very reason I support it.

I think the providing jobs to the people that are unemployed in this state is too important a function to be made a political football, and I think that is what we are doing with this. We need central direction of the program here in Augusta so that this important help to the people who are unemployed can be put where it is needed, and not make this thing into a political football, something that is so important to the people of this state right now, a state that is suffering from an unemployment rate much higher than that in the rest of the nation, and we all know that the rest of the nation's situation isn't very good. So I support the Senator from Cumberland, Senator Conley, on this bill, and hope that the move to indefinitely postpone will be overwhelmingly defeated.

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

Mr. CONLEY: Before anyone in this body would get the impression that I am against county government or strongly opposed to it, I have certain reservations

as to the way county government has been operated over the past years, but I ask each of you really if you have that much faith in the administration of county government today. In fact, I think if the good Chairman were to get up and really give a factual statement to this Senate as to what the position of the Local and County Government Committee is, right now they are considering the indictment — the indictment — of several county commissioners in several counties for the poor administration of their budgets.

Now, I really have been put out, and I have sort of reserved myself from getting involved in the lobbying job that has been done relative to this particular bill. But let me remind the members of this Senate that several weeks ago an order was introduced here, and without objection at all went sailing through the Senate and through the other branch and on to Washington, memorializing the Department of Labor to prevent the county's name from being the sole primary sponsorship of these CETA funds, and we have strong reasons and objections for that.

The Good Senator from Cumberland, Senator Merrill, has clearly identified exactly what the CETA program is all about. If administered by the chief executive of the state, the funds would be disbursed in an area where unemployment was the greatest. Now, I don't have to tell the good Senator from Aroostook, Senator Cyr, as to how the unemployment rate is in Aroostook County, nor anyone else here. We know what it is in Washington County. We know what it is in Cumberland. And I can assure you that when we take a county by county situation per capita, we know that Washington and Aroostook are far higher than what they would be in Cumberland. I just don't have any faith, whatsoever, and with sufficient reason, any faith at all in the county commissioners to administer this particular program.

Now, to give you just several good reasons, quick ones, if you would look at the fact sheet that I had distributed this morning, if anyone could disagree under Item 7 as to why the counties should be prohibited from sponsorship, get up and say so. But from just communicating with you as individuals around the Senate chambers or throughout the halls, we all have our serious doubts. Now, I ask you if we are going to let a group of political hacks float up here to the Senate Chamber from Androscoggin, from York, from Cumberland, from Penobscot, and tell us what we are going to do? Are we going to be responsible in that sense of trying to make a federal program work and work right, or are we going to allow these so-called individuals to come in here and destroy a good program?

I ask you to vote against the motion to indefinitely postpone, and I hope that the Senate rejects the motion.

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

Mr. SPEERS: Mr. President, I would like to commend the good Senator from Cumberland, Senator Conley, on his remarks. I would say, however, that I feel it is unfortunate that this particular bill has been portrayed in recent days as being a question of either pro or anti-county government. That is not the issue that is before this Senate regarding this particular bill. There are certainly other issues that are in these hallways and other

billings that are in the works in the legislature this year that are legitimate questions of pro or anti-county government and legitimate questions as to the proper role of county government as a partner in the governmental process of the State of Maine.

The particular bill that is before us right now, however, comes down simply to a question of the best way to administer for all of the people of the State of Maine. These funds aren't made available for one county or another county. That is not the purpose, or should not be the purpose of these funds. But it should be the purpose of this body to be very much concerned with the entire State of Maine.

I really can't fault counties for going after these funds. I can't fault the county commissioners who have seen an opportunity to do something for the people of their counties, who have been vigorous enough and responsible enough to go after these funds to try and get some alleviation of unemployment problems in the various counties that they represent. That is, after all, being responsible to their constituencies. But I think that we have to be responsible to our constituencies, which should be the entire people of the State of Maine, in recognizing that there are other needs, perhaps greater needs, in other areas of the state which cannot go after these funds for one reason or another, for federal regulations or whatever, and I don't feel that the areas of great need in the State of Maine should be penalized because there are vigorous and conscientious county commissioners in some of the larger counties of the state.

I think it is a very important bill. I think that the bill should be passed so that we on a statewide basis can approach the unemployment situation that we have in the State of Maine and put the alleviation, put these funds to work, in those areas of greatest need.

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

Mr. WYMAN: Mr. President and Members of the Senate: I want to support the position of the good Senator from Cumberland, Senator Jackson. First, I want to say that I don't think we elect political hacks for our county commissioners in Washington County. We have three very good county commissioners. Now, if some of these other counties choose to elect political hacks, then I guess that is their problem and the problem of the voters in those counties. We just don't have them in Washington County. And I don't think a few bad apples should spoil the barrel. So I want to support the position of the good Senator from Cumberland County, Senator Jackson, and I certainly hope the motion to indefinitely postpone this will prevail.

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

Mr. HICHENS: Mr. President, I too rise to support the motion to indefinitely postpone this bill. I have been on the fence more or less. I have not been approached by any political hacks. Like the good Senator from Washington, if there are political hacks in York County, it wasn't because I voted for them. And the only one that I know was indicted or up for indictment is the county attorney, and he is a member of the opposite party and I didn't vote for him either.

But I have been approached by several members of the MMA, and if lobbying is being done, I believe it is being done for

passage of the bill and not for indefinite postponement. So I will go for the motion of the Senator from Cumberland, Senator Jackson.

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

Mr. TROTZKY: Mr. President and Members of the Senate: Penobscot County has been designated as a prime sponsor of these funds, and we have a committee of 28 people overseeing the administration of these funds. I have looked through that list and it is some of the finest citizens in Penobscot County. I hope you will support the Senator from Cumberland, Senator Jackson.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Jackson, to indefinitely postpone L. D. 1312 and all its accompanying papers. 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.; Cianchette, Collins, Corson, Graffam, Greeley, Hichens, Jackson, Johnston, Katz, McNally, O'Leary, Pray, Thomas, Trotzky and Wyman.

NAYS: Senators Berry, E. F., Jr.; Carbonneau, Clifford, Conley, Cummings, Curtis, Cyr, Danton, Gahagan, Graham, Huber, Marcotte, Merrill, Reeves, Roberts and Speers.

A roll call was had, 16 Senators having voted in the affirmative, an 16 Senators having voted in the negative, the motion did not prevail.

Mr. Conley of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-200, was Read and Adopted and the bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — May 27, 1975 by Senator Speers of Kennebec.

Pending — Consideration.

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-154).)

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

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

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

HOUSE REPORTS — from the Committee on Public Utilities — Bill, "An Act Relating to Proceedings Before the Public Utilities Commission." (H. P. 1259) (L. D. 1554) MAJORITY REPORT — Ought Not

to Pass; MINORITY REPORT — Ought to Pass.

Tabled — May 27, 1975 by Senator Cyr of Aroostook.

Pending — Motion of Senator Cummings of Penobscot to Accept the Minority Ought to Pass Report.

(In the House — Passed to be Engrossed.)

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

Mr. KATZ: Mr. President, I wonder if my memory could be refreshed. It seems to me that this is the bill, if we accept the Ought to Pass Report, which would require utilities to pay legal expenses of public interest groups in rate hearings if there is broad public interest. If it is true, if this is the bill, I move indefinite postponement.

It seems to me we are going pretty far afield in asking a utility to pick up the cost of opposition to it before a public hearing. If it is in the public policy that the public should have a voice at no cost in these proceedings, let's face it with an appropriation to the Public Utilities Commission rather than going this circuitous route.

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

Mr. CYR: Mr. President and Members of the Senate: I am glad that the good Senator from Kennebec made the motion. I voted on the majority, ought not to pass, and I will give you my reasons for it.

First of all, in the bill, the bill is very general. I appreciate the objective, I go along with the objective of the sponsor of the bill. It is to try to have the public interest represented. However, the way the bill is written, it could be anyone, it could be a lawyer or it could be anyone representing any of these consumer groups that would appear before the PUC on one of these rate increases. And if the material which is presented can be used, then the PUC would, at their own discretion, make the decision to pay the solicitor, to pay the intervenor. Well, in some cases that could run into a lot of money. For somebody who has worked six months, for instance, on a particular case, he could charge six months of his time to the case, and this would naturally add onto the rate, because the cost which would be paid by the utility would be added on.

Now, the PUC didn't take a stand on this. And there is another bill which has come out of our committee, L. D. 1719, assessment upon certain public utilities, and it has come out of our committee Ought to Pass. It is an assessment on these utilities, and the proceeds, which would amount to \$150,000 a year, would go to the PUC to help them out, to hire consultants, to hire lawyers or hire accountants, or anyone that may be able to give an input into a rate increase. So I think that avenue is much more logical, plus the fact that on this assessment bill all of the utilities were proponents of it.

Also, the PUC itself represents the public, they are the ones, the legal counsel of the PUC is charged to try to disclaim the contentions of the utilities that they need a rate increase. Now, it is their function to protect the public interest. So I think this bill is not necessary and I will go along with the Senator from Kennebec, Senator Katz, on indefinite postponement.

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

Mr. CONLEY: Mr. President, I would pose a question through the Chair to the good Senator from Aroostook, Senator Cyr. The question would be who is now paying

the attorneys representing the utilities before the Public Utilities Commission?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to the Senator from Aroostook, Senator Cyr, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. CYR: Naturally, the cost is a legitimate cost that can be incorporated in the rates. But the cost of the legal counsel of the PUC is also paid by the people of the State of Maine, so what difference does it make? Now, if we have this bill here, it will just prolong the proceedings and will just add costs to the ratepayer which the ratepayer has to pick up.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: This is a rather short bill. I don't know if any of you have had the opportunity or taken the opportunity to read it. The wording is very broad. It gives to the Public Utilities Commission a broad spectrum of decision as to who they are going to recognize as being spokesman for the consumers. For instance, it says that the Commission may upon motion determine that one of these intervenors represents a significant and cognizable element of the public interest. It is a broad statement and they can decide pretty much what they want to do on this.

I think that it is perfectly fair. It is the consumer, of course, who will eventually pay for this because it is going to go into the rate hearings, but I think that the consumer would be willing to pay for it if they felt that they had someone to represent them before the PUC when it is deciding some of these rate cases.

I would be very surprised if the PUC should come up with any major decisions of any big amount of money for any of these intervenors, or perhaps they would even see their way to just choose one or two to speak for the customers. But to me, this is the kind of a bill which is more of a philosophical bill than an actual one, and I think it would be a good one to have on the books.

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

Mr. CONLEY: Mr. President and Members of the Senate: At the present time, as I understand it, the utility customers bear the cost of attorneys. However, they pay for only one side of the argument, the reasons why their bills should be increased. All this legislation would do is to provide for payment in some very limited instances for an attorney or accountant, or other qualified public intervenor who would like to present the case against a rate increase.

It might be argued that this kind of intervention is going to prolong the hearings and that the consumer is going to bear the freight, but as we all know, in major cases there is going to be intervention. Such intervention has occurred recently in cases such as the last CMP rate increase request, which was intervened by a public group; the Bangor Hydro hearings, which were intervened by a public group; the Casco Bay Lines, an island citizens group intervened; the Maine Water Company of Wiscasset, Wiscasset citizens intervened.

Assuming that intervention is likely to occur, one of two things is going to happen. The case for the intervenors is going to be argued by a volunteer, who may be very

competent, but who may also be subject to all of the disadvantages which occur with volunteers. Or the citizens intervening will have to go out and hire a spokesman to intervene against the attorney on the other side whose salary is part of their bill.

This legislation would provide for fair and equal representation on both sides. And I would like to point out that it is discretionary legislation. The PUC may authorize the incursion of expenses by the intervenors only at its discretion. In other words, the PUC is presumably going to use its good judgment and not authorize every rinky-dink group to go out and hire a high-paid attorney on every small case before the PUC. But on the major cases the public interest, the consumer interest, has got to be protected.

If you agree that the present system is slightly unfair, then we can do two things. We can say that the PUC should abandon its position as neutral judge, and itself become an advocate in behalf of the consumers. Or we can permit the PUC to remain in its more judicious role, while allowing for a balanced presentation before it, as this bill will do, and is being done in Vermont under somewhat similar legislation.

Obviously, the question of utility rate increases is subject to demagoguery and distortion. I think this bill is an excellent means of providing for fair and responsible consumer protection, and I hope that the Senate would accept the Minority Ought to Pass Report.

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

Mr. CYR: Mr. President and Members of the Senate: I mentioned to you that there is another bill which is coming up which will provide \$150,000 a year to the PUC to hire experts, people who have expertise in this. Now, what you are going to hire with this right here will be people from Combat and Pine Tree Legal and some of these lawyers who are just out of school and are still wet a little bit behind the ears. Now, you put those against a battery of lawyers from these big utilities and what kind of protection have you got? You don't know. There is no price tag on this thing. It could run as much as \$150,000, for which you are going to be hiring expertise, you are going to be hiring expert lawyers and expert accountants, and expert people that know their business.

Now, take your choice, either accept this one or else wait for the other assessment bill which is going to come up and we will give really a trained staff to the PUC, which is what they need.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Katz, that L. D. 1554 and all its accompanying papers be indefinitely postponed. Will all those Senators in favor of indefinite postponement please rise in their places until counted.

A division was had. 22 having voted in the affirmative, and eight having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Liquor Control — Bill, "An Act to Permit Uniform Reduction of Liquor Prices in Four Stores in the State." (H. P. 987) (L. D. 1252) MAJORITY REPORT --

Ought Not to Pass; MINORITY REPORT — Ought to Pass.

Tabled — May 27, 1975 by Senator Conley of Cumberland.

Pending—Motion of Senator Graffam of Cumberland to Accept the Majority Ought Not to Pass Report.

(In the House — Passed to be Engrossed.)

On motion by Mr. Speers of Kennebec, retabled until later in today's session, pending the motion by Mr. Graffam of Cumberland to Accept the Majority Ought Not to Pass Report.

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

SENATE REPORTS — from the Committee on Health and Institutional Services — Bill, "An Act to Clarify the Laws Relating to Dentistry." (S. P. 70) (L. D. 235) MAJORITY REPORT — Ought to Pass as Amended by Committee Amendment "A" (S-204); MINORITY REPORT — Ought to Pass as Amended by Committee Amendment "B" (S-205)

Tabled — May 27, 1975 by Senator McNally of Hancock.

Pending — Motion of Senator Hichens of York to Accept the Minority Report.

On motion by Mr. Speers of Kennebec, retabled until later in today's session, pending the motion by Mr. Hichens of York to Accept the Minority Ought to Pass as Amended Report.

The President laid before the Senate the seventeenth 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 27, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone Senate Amendment "A" (S-201) to Committee Amendment "A" (H-285).

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

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

The President laid before the Senate the eighteenth 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 27, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Katz of Kennebec to Indefinitely Postpone Senate Amendment "A" (S-74).

(In the House — Bill and Accompanying Papers Indefinitely Postponed.)

(In the Senate — Under suspension of the rules, Passage to be Engrossed Reconsidered; Conference Committee Amendment "A" (H-273), Indefinitely Postponed.)

On motion by Mr. Speers of Kennebec, retabled until later in today's session, pending the motion by Mr. Katz of Kennebec to Indefinitely Postpone Senate Amendment "A".

There being no objection, 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 4 o'clock this afternoon.

After Recess

Called to order by the President.

Papers from the House

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

Non-concurrent Matter

Bill, "An Act Concerning the Income Requirements for Class A Restaurants under the Liquor Statutes." (H. P. 1296) (L. D. 1567) In the Senate May 22, 1975, Passed to be Engrossed as amended by Committee Amendment "A" (H-380), in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-503), in non-concurrence.

On motion by Mr. Graffam of Cumberland, the Senate voted to Recede and Concur.

House Papers

Bill, "An Act Exempting Transactions in Securities or Commodity Accounts made with a Broker-dealer Registered on the Commodities Futures Trading Commission from the Consumer Credit Code." (H. P. 1630) (L. D. 1905)

Comes from the House, Passed to be Engrossed without reference to Committee
Mr. Conley of Cumberland moved that under suspension of the rules the Bill be given its First Reading.

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

Mr. KATZ: Mr. President, might we have the benefit of an explanation?

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session; pending Consideration.

Bill, "An Act Authorizing the Licensing of Indoor Tennis Clubs, Indoor Skating Clubs and Golf Course Clubs for the Sale of Alcoholic Beverages without Requiring the Sale of Food." (H. P. 1631) (L. D. 1906)

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

On motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Consideration.

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

Sen. Edmund S. Muskie
Named
National Father of The Year

By the
National Father's Day Committee
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. 1637)

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

Roland and Theresa Moreau
Foster Parents
of The Year From
Androscoggin County

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. 1638)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

State of Maine

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

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

David C. Woodsome
of Baldwin
Wrestling Coach

at
Massabesic High School
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. 1640)

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

Beverly Jensen of Westbrook Recipient of the Herschel L. Bricker Award for Outstanding Achievement in Theatre For Her Portrayal of Lady Britomart in "Major Barbara"

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. 1639)

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 Girls Varsity Bowling Team of Mattanawcook Academy at Lincoln Girls Worlds, Candlepin Bowling Champions for 1975

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1642)

Which was Read and Passed in concurrence.

Communication

State of Maine

One Hundred And Seventh Legislature
House of Representatives
Office of The Clerk
Augusta, Maine 04330

May 28, 1975

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

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to 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):

- Rep. HUGHES of Auburn
- Rep. CHONKO of Topsham
- Rep. TEAGUE of Fairfield
- Respectfully,
- EDWIN H. PERT
- Clerk of the House

Which was Read and Ordered Placed on File.

Committee of Conference

On the disagreeing action of the two branches of the Legislature 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), the President appointed the following Conferees on the part of the Senate:

Senators:

- ROBERTS of York
- McNALLY of Hancock
- DANTON of York

Committee of Conference

On the disagreeing action of the two

branches of the Legislature on Bill, "An Act Concerning the Size of Municipal Populations in the Statute Requiring or Authorizing the Appointment of Boards of Registration" (H. P. 752) (L. D. 927), the President appointed the following Conferees on the part of the Senate:

Senators:

- BERRY of Cumberland
- JACKSON of Cumberland
- CYR of Aroostook.

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands", (H. P. 965) (L. D. 1209), the President appointed the following on the part of the Senate:

Senators:

- CURTIS of Penobscot
- WYMAN of Washington
- GRAHAM of Cumberland.

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 Concerning the Retirement Law Relating to Certain Employees of the Department of Mental Health and Corrections." (H. P. 903) (L. D. 1089)

Bill, "An Act Concerning the Regulation and Supervision of Dams and Reservoirs." (H. P. 1302) (L. D. 1762)

Leave to Withdraw

The Committee on Veterans and Retirement on,

Bill, "An Act Relating to Retirement Service of Legislative Employees." (H. P. 1430) (L. D. 1711)

Reports that the same be granted Leave to Withdraw.

The Committee on Veterans and Retirement on,

Bill, "An Act to Provide Retirement Benefits for State Criminal Inspectors within the Office of the Attorney General." (H. P. 1035) (L. D. 1322)

Reports that the same be granted Leave to Withdraw.

The Committee on Election Laws on,

Bill, "An Act to Prohibit Voter Registration with Certain Exception on Election Days." (H. P. 257) (L. D. 324)

Reports that the same be granted Leave to Withdraw.

The Committee on Public Utilities on,

Bill, "An Act to Amend the Charter of the Auburn Sewerage District." (H. P. 1360) (L. D. 1662)

Reports that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on, Bill, "An Act Relating to Marital Rights in Partnerships Property under the Uniform Partnership Act." (H. P. 868) (L. D. 1045)

Reports 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.

The Committee on Transportation on, Bill, "An Act to Remove the Requirement that Municipalities Composing a Transit

District be Contiguous and to Authorize Municipal Transit Districts to Provide Transportation Service Outside of District Boundaries." (H. P. 1244) (L. D. 1545)

Reports that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-498).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendment "B" was Read.

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

Mr. BERRY: Mr. President, I notice that the bill came out of committee without the amendment on it, and apparently the amendment was put on by action of the other body. I notice that part of the amendment has at least to do with advertising, which doesn't appear to be in the basic bill in any way, shape or manner. I wonder if anybody could explain the need for it and whether such advertising would be in accordance with the Department of Environmental Protection and the advertising rules and statutes, regulations and so forth, of the state?

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

The Chair recognizes the Senator from Waldo, Senator Greeley.

Thereupon, on motion by Mr. Greeley of Waldo, tabled until later in today's session, pending Adoption of House Amendment "B".

Ought to Pass - As Amended

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Transfer of Offenders Among Correctional Institutions, Residential Facilities and Programs." (H. P. 827) (L. D. 1010)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-483).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to remove Indian Dwellings on the Penobscot Indian Reservation." (H. P. 1377) (L. D. 1708)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-489).

The Committee on Judiciary on, Bill, "An Act to Authorize any Alleged Rape Victim to Obtain a Physical Examination by her own Physician and at the Expense of the County in which the Alleged Rape Took Place." (H. P. 1372) (L. D. 1685)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-485).

The Committee on Transportation on, Bill, "An Act Relating to Roads and Ways." (H. P. 1478) (L. D. 1704)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-487).

The Committee on Agriculture on, Bill, "An Act Relating to the Maine Dairy and Nutrition Council." (H. P. 642) (L. D. 825)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-486).

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Private Visitation and Rehabilitative Process at Correctional Institutions." (H. P. 1181) (L. D. 1474)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-484).

The Committee on Transportation on,

Bill, "An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Kennebec River." (H. P. 1179) (L. D. 1471)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-480).

The Committee on State Government on, Bill, "An Act Amending the Powers and Duties of the Maine Committee on Aging to Include the Inspection of Nursing Homes." (H. P. 103) (L. D. 126)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-473).

The Committee on Health and Institutional Services on, Bill, "An Act to Establish Legislative Control over Licensing Standards for Ambulance Services and Personnel." (H. P. 1348) (L. D. 1653)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-481)

The Committee on Local and County Government on, Bill, "An Act Concerning Municipal Property Tax Bills." (H. P. 940) (L. D. 1313)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-477).

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

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

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air." (H. P. 1191) (L. D. 1487)

Reports that the same Ought to Pass.

Senators:

WYMAN of Washington
O'LEARY of Oxford

Representatives:

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

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

Signed:

Senator:

TROTZKY of Penobscot

Representatives:

PETERSON of Windham
DOAK of Rangeley
AULT of Wayne
WILFONG of Stow

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-405).

Which reports were Read.

Mr. TROTZKY of Penobscot then moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: We passed a while ago, I guess, probably a month ago, an act to extend the date for the closing of open burning dumps, and what this bill does that we passed, as I explained before, it allows municipalities to apply for

variances from the law if they can prove they have undue hardship, economic hardship, also if they are not imperiling the health and safety of the citizens.

Now, before this bill was passed, another bill was introduced, basically by the Northern Maine Regional Planning Commission in Aroostook County. The bill came in, and what this bill does is allow cone burners to be used for waste disposal. Now, I would like to make a few statements on this.

First of all, there was a publication by the Environmental Protection Agency, and I would like just quickly to read the introduction to this. "During the last several years, a large number of teepee type industrial waste burners have been adapted to municipal refuse disposal and used across the country. Numerous public complaints prompted municipalities and states to ask the Public Health Service for an opinion on the advisability of using teepee burners for municipal refuse disposal. The Technical Assistant Branch, Division of Air Pollution, Public Health Service, consequently undertook a study including air pollution emissions and some economical aspects to evaluate the use of teepee burners for disposal of municipal refuse. Based upon the results of the study, the Public Health Service does not consider the use of teepee refuse burners as a suitable method for disposal of municipal refuse."

Now, what this bill does, No. 1, the bill completely removes municipal cone burners serving less than 25,000 persons from the air quality laws of the State of Maine. These units will not be subject to air emission standards or ambient air quality standards if this bill is enacted into law.

Secondly, it would permit cone burners to be located in urban as well as rural areas, without regard to the effects the cone burner may have on the public health, safety or welfare.

Third, cone burners have been used in the state for burning municipal waste, and four out of the six known units have been deemed by their owners as unsatisfactory: Sanford, Bath, Brunswick and Madison. Two units are still in operation: the Rumford-Mexico unit and Presque Isle.

Now, the Rumford-Mexico unit is unique in that a substantial part of the waste burned is waste paper from the Oxford Paper Mill. By the way, these waste burners were originally used for paper waste and wood waste. These two units, the Rumford-Mexico unit and the Presque Isle unit, will be permitted to continue operating throughout their useful life by applying for variance provisions of the existing statutes.

Another point is that cone burners are not now banned by existing state law if they meet the standards, the air quality standards.

Now, there are economic reasons why cone burners shouldn't be put into the law. The staff of the Department of Environmental Protection, when discussing cone burners with prospective users, have pointed out the problems that other communities have had with the units and their inability to meet existing statutory emission standards. The net effect of these discussions by the DEP with communities has been to discourage the use of these units, not to ban them.

Legislation of the type that we have here is not in the best interest of the citizens of

the state as it will encourage communities to invest in a unit that will eventually prove unsatisfactory based on past experiences in communities within the State of Maine that have used these. Also, the passage of this bill will jeopardize the agreements that the State of Maine has with the Environmental Protection Agency, the agreements we made concerning the federal air quality laws. So I would encourage the Senate not to pass this bill.

I know of one cone burner I have seen and have had some personal experience with in driving down Route 2 near Newport and Palmyra, and that one burns strictly wood waste. The smoke goes all up and down the road and you can hardly breathe when the smoke is blowing in that direction. When you have municipal wastes it will even be worse.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending the motion by Mr. Troitzky of Penobscot to accept the Minority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act to Regulate Certain Oil Carrying Vessels in Maine Waters." (H. P. 723) (L. D. 900)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-441).

Signed:

Senators:

BERRY of Cumberland
CUMMINGS of Penobscot
REEVES of Kennebec

Representatives:

JACKSON of Yarmouth
GREENLAW of Stonington
MACKEL of Wells
JENSEN of Portland
POST of Owl's Head
BLODGETT of Waldoboro

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

Signed:

Representatives:

WEBBER of Belfast
CONNERS of Franklin
CURTIS of Rockland
MILLS of Eastport

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

Which reports were Read.

Thereupon, the Majority 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.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Amending Laws Related to Coeducational Program in Juvenile Training Centers." (H. P. 772) (L. D. 943)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-479)

Signed:

Senator:

BERRY of Androscoggin

Representatives:

SPROWL of Hope
CURRAN of So. Portland
HENNESSEY of West Bath

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

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

Signed:
 Senators:

HICHENS of York
 GREELEY of Waldo

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

Which reports were Read.

Mr. Hichens 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 Androscoggin, Senator Berry.

Mr. BERRY: Mr. President, I rise to oppose the motion made by the good Senator from York, Senator Hichens. The bill that we have before us right now originally called for coeducational programs at both Stevens and Boys Training Center. There is a committee amendment on the bill which would call for a coeducational program at the Boys Training Center only.

The reason we put the amendment on the bill is that the department itself is uncertain of the immediate future of the Stevens Training Center. If this legislation is passed, it would only be one step closer to combining the two training centers. And the reason there is a move to combine the two training centers is the fact that through rehabilitation, foster homes, half-way houses, each year we have less and less juveniles going to these homes. So it is planned to be the ultimate end that we would operate one juvenile training center in the State of Maine. That is the basic reason for the legislation.

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

Mr. HICHENS: Mr. President and Members of the Senate: I don't think it is quite as simple as the good Senator from Androscoggin explained it.

The committee took an afternoon two weeks ago and visited the Boys Training Center, feeling that that was the most feasible place to have a coeducational program, if we had any at all. We were told by the superintendent there that they could take care of the problems as far as housing was concerned, but that it would add additional problems as far as staff, as far as discipline, and the problems that would come from coeducational corrective programs. So, with that in mind, the good Senator from Waldo, Senator Greeley, and myself opposed this coeducational program at the time. I think we are just adding more problems to what we already have on hand.

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

Mr. BERRY: Mr. President, I agree with the Senator from York, Senator Hichens, we did attend the Boys Training Center and spent an afternoon with the superintendent. And I might add that it was only after that conversation with the superintendent that this amendment was put on the bill.

When the vote is taken I would request a division.

The PRESIDENT: A division has been

requested. The pending question before the Senate is the motion by the Senator from York, Senator Hichens, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Hichens.

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

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

Obviously less than one fifth having arisen, a division is ordered. Will all those Senators in favor of the motion by the Senator from York, Senator Hichens, that the Senate accept the Ought Not to Pass Report of the Committee please rise in their places until counted.

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

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Establishing a Consumer Complaint Office within the Public Utilities Commission." (H. P. 1019) (L. D. 1298)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-465).

Signed:

Sensors:

CUMMINGS of Penobscot
 GREELEY of Waldo
 CYR of Arrostook

Representatives:

KELLEHER of Bangor
 NADEAU of Sanford
 SAUNDERS of Bethel
 LUNT of Presque Isle
 GRAY of Rockland
 BERRY of Rockland
 LEONARD of Woolwich
 TARR of Bridgton

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

Signed:

Representative:

LITTLEFIELD of Hermon

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.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers." (H. P. 991) (L. D. 1255)

ask leave to report: that they are unable to agree.

On the Part of the House:

KELLEHER of Bangor
 POWELL of Wallagrass Pt.
 LAVERTY of Millinocket

On the Part of the Senate:

COLLINS of Knox
 O'LEARY of Oxford
 CURTIS of Penobscot

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Senate

Ought to Pass - As Amended

Mr. Jackson for the Committee on Agriculture on, Bill, "An Act Relating to the Division of Hundredweight Fees between the Maine Milk Commission and the Maine Dairy Council Committee." (S. P. 417) (L. D. 1374)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (S-215).

Mr. Troitzky for the Committee on Natural Resources on, Bill, "An Act Relating to Reports Required by Municipal Ordinance of Developers of Shoreland Areas." (S. P. 248) (L. D. 821)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (S-216).

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.

Enactors

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

An Act to Require Owners of Boarding Homes, Nursing Institutions and Certain Other Living Accommodations to Account for Funds of Persons Under Their Care. (S. P. 81) (L. D. 254)

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

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

An Act Providing Funds for Seriously Disturbed Children in Maine. (S. P. 280) (L. D. 992)

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

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

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

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

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

An Act Amending Certain Laws Relating to Games of Chance. (H. P. 483) (L. D. 602)

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

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

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

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

An Act Amending the Coastal Conveyance of Petroleum Act. (H. P. 1126) (L. D. 1403)

An Act to Provide for Specimen Ballot Instructions Written in the French Language. (H. P. 1132) (L. D. 1424)

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

An Act Relating to the Advisory Council on the Status of Women (H. P. 1138) (L. D. 1432)

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

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

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

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

An Act Concerning Off-duty Court Appearances by Law Enforcement Officers. (H. P. 1387) (L. D. 1692)

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

An Act Converting Hamlin Plantation into the Town of Hamlin. (H. P. 1502) (L. D. 1826)

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

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

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.

Emergencies

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

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

An Act Amending the Law Regulating Municipal Debt. (H. P. 1184) (L. D. 1482)

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

These being emergency measures and having received the affirmative votes of 26 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act to provide for Citizen Gardens on Suitable State Land. (H. P. 1294) (L. D. 1574)

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

Mr. KATZ: Mr. President, the Senate will recall L. D. 1574 as the ponderous, bureaucratic, unnecessary legislation which we have discussed before. I have noticed with some amazement that it is emergency legislation requiring a two-thirds vote, and I request a division.

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: I promised the last time we discussed this that I would check with the folks who run the Windham Correctional Institute to find out what the story was down there. The best information I can receive from the administrators in the Bureau of Corrections of the Department of Mental Health and Corrections is that there have been no inquiries at all received for citizens' gardens in the Windham area, and that they would be very interested in receiving such inquiries, but for this year anyway they have already obtained contracts for haying for the fields down there at substantial income for the state.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative votes of 14 members of the Senate, with 15 voting in the negative, the Bill Failed of Passage in non-concurrence.

Sent down for concurrence.

Orders of the Day

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

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

Tabled — Earlier in the day by Senator Pray of Penobscot.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-457).)

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

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

Senate Amendment "A", Filing No. S-211, was Read.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I wonder if the members of the Senate know what this amendment does. It simply wipes out the bill which we passed so overwhelmingly earlier in the Senate in which we limited the hunting of bear by dogs, and I don't think we need to consider it further. I hope we will dispense with it at once, and I will request a division.

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

Mr. PRAY: Mr. President, the amendment does more than that. There is a second part to the amendment also. But to speak to the first part of the amendment, we did earlier in the session take action on a bill that was presented on which the committee has signed out a report of 12 to 1 ought not to pass. And this, as we have talked about before, was restricting the number of dogs that an individual can hunt bear with, going from 10 dogs to 4 dogs.

I would like to remind this legislature of just a few things. In 1973 a bill was passed to limit it to 10 dogs. There was no limitation before that. And at the time the bill was heard before, literature was passed out which I considered defamatory literature, very misleading, talking about half starved dogs chasing bear, and it really played on the emotional issues more than on the merit of it.

I have seven individuals in my district, several constituents, that make a living by guiding, and one of the things they do

through the summer months is guide parties and they use dogs to hunt bear. During the winter months they use dogs to hunt perhaps bobcat or whatnot. But this bill that we passed earlier, and this amendment, it doesn't wipe out the business. It allows them to use four dogs, but what it is going to do is give them about four to five years and then they are going to be out of business because they are not going to be able to train enough dogs to be able to use in the future.

Seeing how this legislature two years ago decided to put a restriction of 10 dogs upon these people, I thought it was an awful large jump all of a sudden to cut them, not in half, but even more, taking away 60 percent of what they were allowed. And seeing how the issue that was discussed earlier was involved rather emotionally, the amendment was introduced to change it back. The effective date is January 1st.

The second part of the amendment came from a recommendation by the commissioner dealing with a lake within my district where there was a restriction of anchoring boats in a salmon pool. The second part of the amendment would repeal that public law.

Seeing how the good Senator has requested a division, I would hope that you people unemotionally would consider not just my seven constituents in my district but the people throughout this area where we have just put a new restriction upon them two years ago, and now we are just virtually taking away a livelihood from them.

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

Mr. McNALLY: Mr. President, as you know, I have been here four terms in the unmentionable body, and I never knew before until today that it was a disgrace if somebody had a bill that came out 12 to 1 and the one ought to pass was finally voted on by either house.

The PRESIDENT: The Chair would interrupt debate, Senator McNally, to advise the Senate that this amendment is out of order. According to Joint Rule No. 21, Rejection of Bills: "When any measure shall be finally rejected, it shall not be revived except by reconsideration, and no measure containing the same subject matter shall be introduced during the session unless three days notice is given to the house of which the mover is a member. No measure shall be recalled from the legislative files except by joint order approved by a vote of two-thirds of both houses."

Thereupon, the Bill was Passed to be Engrossed in concurrence.

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

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

Tabled — Earlier in the day by Senator Curtis of Penobscot.

Pending — Final Passage.

(In the House—Finally Passed.)

On motion by Mr. Curtis of Penobscot, retabled and Specially Assigned for May 30, 1975, pending Final Passage.

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

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

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

Pending — Consideration.

(In the Senate — Passed to be Engrossed as Amended by Committee Amendment "A" (S-154).)

(In the House — Majority Ought Not to Pass Report Read and Accepted, in Non-Concurrence.)

On motion by Mr. Graffam of Cumberland, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

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

Senate Amendment "A", Filing No. S-219, was Read.

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

Mr. MERRILL: Mr. President, this is a rather lengthy amendment. I wonder if the Senator from Cumberland, Senator Graffam, would explain it to the Senate.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would answer the question for Senator Graffam, if I might. Actually this amendment repeals the other amendment, and that other amendment repealed the whole bill, so really what we are looking at here is the bill itself now. I can assure Senator Merrill and all the other members of the body that the new amendment is nothing but clarifying language of the original bill, and the intent of all this is merely to permit the sale of crawfish, as we said during the debate. There has been considerable question as to the legal language involved, but the import and thrust of the bill is as it was in the original bill.

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

Mr. REEVES: Mr. President, I just got this amendment, but in glancing over it I see that it is just as bad as it ever was. I don't think it provides any protection to our lobstermen who are opposed to this bill. I think this is a deal for the restaurant owners and I hope the Senate will vote against it.

I move the indefinite postponement of this bill and its papers.

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

Mr. DANTON: Mr. President, may I inquire through the Chair whether any lobstermen were present at this committee hearing?

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

The Chair recognizes the Senator from Cumberland, Senator Graffam.

Mr. GRAFFAM: Mr. President, after three hearings I don't believe there was one lobsterman in opposition to this bill.

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

Mr. REEVES: Mr. President, just one further point. After this bill was passed by the Senate the first time, I did check with lobstermen in several parts along the coast and found they were all unanimous in opposing this bill.

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

Mr. BERRY: Mr. President and Members of the Senate: I am sure now you all agree that we are still talking about the same bill, as I explained. And I would agree 100 percent with the good Senator Reeves from the head of tide in Pittston that all the lobstermen are against the bill, even including the good lobstermen from Cape Elizabeth in South Portland. I will say again that I think this is a very selfish viewpoint on the part of the lobstermen. They were unable to get together and regulate their own business for their own good. And I think it is only fair now that the Senate and the other body consider the welfare of the people of the State of Maine and that we do enact this bill, which would permit licensed restaurants in paying what I consider an exorbitant fee to offer their patrons something that isn't as good as Maine lobster but at about one-third the price. It will help the consumer, in my humble opinion.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Reeves, that L. D. 359 and all 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.

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

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

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Liquor Control-Bill, "An Act to Permit Uniform Reduction of Liquor Prices in Four Stores in the State." (H. P. 987) (L. D. 1252) MAJORITY REPORT — Ought Not to Pass; MINORITY REPORT — Ought to Pass.

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

Pending — Motion of Senator Graffam of Cumberland to Accept Majority Ought Not to Pass Report.

(In the House — Passed to be Engrossed.)

On motion by Mr. Conley of Cumberland, a division was had. 15 having voted in the affirmative, and 14 having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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

SENATE REPORTS — from the Committee on Health and Institutional Services — Bill, "An Act to Clarify the Laws Relating to Dentistry." (S. P. 70) (L. D. 125) MAJORITY REPORT — Ought to Pass as

Amended by Committee Amendment "A" (S-204); MINORITY REPORT — Ought to Pass as Amended by Committee Amendment "B" (S-205).

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

Pending — Motion of Senator Hichens of York to Accept the Minority Report.

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

Mr. DANTON: Mr. President, I have been reading over this bill, and it was brought to my attention by my dentist. I have an appointment with him this weekend, and I want to make sure I do the right thing before I get in his chair.

There is something wrong, not with the bill, but with the amendments. And I would like to move, Mr. President, that Committee Amendment "A" be indefinitely postponed.

The PRESIDENT: The Chair would advise the Senator that the motion is not yet in order since we have not accepted either committee report.

Mr. DANTON: Mr. President, I oppose the motion to accept the Minority Report.

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

Mr. KATZ: Mr. President, I have been admiring the great smile of the Senator, knowing he is going to a fine dentist, but I think if he permits the pending motion to go through and then moves to kill the amendment after the pending motion, he will accomplish harmony and sweetness and light in his dentist's office.

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

Mr. HICHENS: Mr. President, there has been a lot of confusion with the dentists in the State of Maine. They took it that with these two reports that were coming out that Committee Amendment "B" was the one that they actually wanted, but they sent the letter around the state telling the dentists that they wanted the original bill, which I just as soon they had the original bill. But we had the President of the Maine Dental Association in this afternoon, who apparently did not see the good Senator from York to tell him that they wanted Committee Amendment "B". That is the way I have made the motion, and I hope the good Senator from York may realize that if he kills Committee Amendment "A" and Committee Amendment "B" both that I wouldn't dare to go to my dentist.

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

Mr. MERRILL: Mr. President, the debate up until this point hasn't been too enlightening as to the merits of this bill. I have had the benefit of the Senator from Kennebec's description of the Senator from York's smile, but I wonder if we could go a little deeper into the merits of these two reports before we vote.

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 Androscooggin, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: If I might, it has been some time since I have looked at this bill, but the two amendments come to light quite rapidly. I think the first amendment deals primarily in the appointment of the examining board for dentists. The biggest point of opposition to that amendment is the fact that it adds a hygienist and it adds a consumer to the board. The problem

comes that in the present law the board has now a hygienist as a consultant when hygienists are examined, but it was the feeling of the committee that hygienists should not be put in a position to examine dentists.

The second fallacy in Amendment "A" is that under present law in order to serve on that board a dentist must have practiced in the State of Maine for ten years. Under the amendment, it brings it down to three years. It is the feeling of the Dental Association that they should come from those with the most expertise of the dentists, and that they shouldn't be someone newly out of school examining dentists who are going to work in the State of Maine.

The third problem is that it leaves it open for profit-making corporations to form dental clinics. Under the present law, a non-profit organization may form a dental clinic, and the Dental Association is perfectly happy with that phase of it, but they don't think that we should allow profit-making corporations to form dental clinics because then you get into a money value situation where you get inferior work.

On Amendment "B", the reason that I supported Amendment "B" is that it allows the dentist to perform a physical examination pertinent to his work. If the patient is going through dental surgery or a local anaesthetic is being applied, it gives the dentist the right to check a person's heart or pulse, or whatever need be. So I think that Committee Amendment "A" would be damaging to the profession as well as to the State of Maine, but Amendment "B" is something that we should have within the law.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Hichens, that the Senate accept the Minority Ought to Pass as Amended by Committee Amendment "B" 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 by Committee Amendment "B" Report please rise in their places until counted.

A division was had. 24 having voted in the affirmative, and two having voted in the negative, the motion prevailed and the Bill was Read Once. Committee Amendment "B" was Read.

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

Mr. KATZ: Mr. President, I am looking at Senate Amendment "B" and I really don't think it accomplishes anything. On that basis, I move indefinite postponement. It says two things. It says that before a dentist, for example, pursues surgery, he has got a right to find out whether the patient is in good health. And I think he has that right under existing law. The second thing it says is that he may not perform any examinations in the hospital if it is objectionable to the hospital. And I think that is pretty much the case around the state today, that the hospital pretty much has control over its own destiny.

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

Mr. BERRY: Mr. President, not to be argumentative with the Senator from Kennebec, Senator Katz, but it was pointed out to us in committee that the dentist does not have the right under the dental laws of the State of Maine to perform a physical examination.

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

Mr. KATZ: Mr. President, whereupon I withdraw my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now requests permission to withdraw his motion to indefinitely postpone Committee Amendment "B". Is this the pleasure of the Senate?

It is a vote.

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

The President laid before the Senate the sixth 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 Speers of Kennebec.

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone Senate Amendment "A" (S-201) to Committee Amendment "A" (H-285)

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

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

Mr. REEVES: Mr. President and Members of the Senate: As the hour was late yesterday when we first discussed this amendment, I would like to briefly explain that the only purpose of this amendment is to include under the provisions of our current right to know law the legislature and its committees.

Somehow we were always excluded, even though we observe its provisions in practice, and I think that the public wants the legislature to be part of this law and not above it.

This amendment strikes out one sentence from the existing 16 year old law, and that is, "The conditions of this section shall not apply to the executive sessions of committees of the Maine Legislature."

Now, I have withdrawn my amendments providing for public notice, for minutes of meetings, agenda, and other such changes in the law, and I wish that the members of the Senate would not confuse these with this provision. It asks only that the legislature observe the current right to know law, and nothing else. And I ask a roll call please, Mr. President, on this issue.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: First of all, I want to apologize to the good Senator from Kennebec, Senator Reeves, for coming on so strong. I probably left the impression in some minds that maybe there is a personal feud or something. I can assure the good Senator that there is no such thing. I respect the good Senator and I know he had been working hard and long on this right to know law, and I admire his courage and tenacity.

However, as I mentioned yesterday, in this right to know law there is a danger of going too far, and by doing so we can be counterproductive. Probably I came on strong on the Senator and maybe I was taking out my frustration for what happened to me last spring as a member of my town council. We had an episode that I think will

signify to you what can happen if this is pushed too far on the part of the public. We can turn this open government into a government of puppets.

What happened to me and the council last spring is that we had failed to reappoint a member of the town — well, the town nurse, to be specific. It was a unanimous vote on the part of the council. Well, we had our good reasons, but apparently it was not a popular move in some segments of the town, so they organized a drive and landed at one of our council meetings to oppose what we had done. They asked us to hear them, which we did. And after we had heard them properly, the chairman of the board told them that we would take their comments and opinion under advisement and see if we would reconsider our action. They left the room and we continued our meeting. Shortly after that the group got into an emotional spree to speak, returned back to the council chamber, and pounded on the desk that they wanted to have action that night. They wanted the council to take action that night.

Well, after hearing them for a while, I am the one that answered them. I said I for one, and I am not speaking for the board, I for one will not take action under duress, which is actually what you are asking us to do. And I said if you want to help your candidate the best move you can make is to just walk out of here. Well, I was painted by the press as being arrogant and arbitrary. And as a result of that, we had two months of courses on the right to know in the press. Now, I was able to do that because I was no longer in business. If I had been in business, possibly I might have taken a different action.

Now, this example applied to the right to know law. If we go too far the same thing is going to happen whenever you have a decision, particularly on sensitive matters, and you have a delegation from a political pressure group or from a special interest in the audience. They don't have to say a word; all they have to do is be present and they are influencing your vote. You are taking action under duress, and that is not conducive to good government.

Now, if we apply this to the amendment that we have before us, to the legislature, to our executive sessions and whatnot, it is a very simple bill, but I say that it is unneeded because we already are working under rules and regulations of the legislature and everything is open. Picture the Education Committee, for instance, trying to make a decision on L. D. 1994 with a delegation from the coastal towns. Wouldn't you say that this would be taking action under duress? The same with the assessing districts. Picture the Taxation Committee making a decision with a delegation sitting in the room from the coastal districts. Our own Committee on Transportation, for instance, if we were to take action on the motorcycle helmets with the delegation that we had at the hearing, I don't believe it would have been democracy in action; it would have been a democrat in fragments. And this is exactly where we are heading for.

You have heard me expound on this before, that we are moving toward the direction of government by pressure groups and special interests, and this is exactly where we are going with this. Now, we are going to have every one of these political pressure groups and special interests make sure that they have a candidate, a puppet, on these committees so

that they can maneuver them. So this will be government by puppets; not a puppet government, but government by puppets, and I am very much concerned in regard to it. And I think as public officials it is time for us to pronounce ourselves and say, well look, you elected me to this position; now have confidence in my judgment. If I don't satisfy you, you know what to do, kick me out the next time around, but in the meantime give us latitude and flexibility to be able to exercise our judgment and try to bring you good government, which I am sure is the motive of the good Senator from Kennebec, Senator Reeves. Thank you.

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

Mr. CONLEY: Mr. President, as I look at the proposed amendment, Filing S-201, it seems to me what the amendment is asking is to put upon the Maine Legislature what we have put on our towns and cities throughout the state. Now, I don't believe, there is anything sacred about the Maine Legislature, nor do I think there is anything sacred about our communities throughout this state. In fact, like the good Senator from Aroostook, Senator Cyr, if he thinks he is having problems in Aroostook County, he ought to visit the Portland City Council every first and third Monday night and he will find out what it is to have citizen participation at public meetings.

But I see nothing wrong at all with the proposed amendment. In fact, in my recent years in the legislature it has been the position of the chairmen that I have served under, particularly on the Appropriations Committee, and on some of the other committees, that during executive session the door was held wide open and anyone who wanted to attend the executive session was allowed to come in, provided they kept quiet and the committee was allowed to deliberate.

The communities, don't forget, are nothing but creatures of the state and under the jurisdiction of us. We are supposed to make the laws and subject them to the laws.

I think there is an old saying of Harry Truman's that we are all familiar with, "If you can't stand the heat, stay to hell out of the kitchen", and I think that is probably a very good proverb for anyone who is running for public office today. I have nothing to hide. I have nothing to hide in this Senate, nor do I have anything to hide in my office or in any committee room of any committee I have ever served on.

I think it is a good amendment, and I certainly have never been fearful of any pressure groups, whether it was the lobby, the ULI, low income, or whatever other group that it may have been that came to Augusta to speak its mind. I think everybody has the right to appear before us in committees or as individual members. And if we talk about pressure groups, one doesn't have to be around the Senate too long to understand what pressure groups are all about. And I am not condemning anyone. I think that any member who has the honor of serving in these chambers that can't keep an open mind on every subject and every piece of legislation that is brought here, and if he just kowtows and wags his tail to everybody who has a special interest, then I don't think that one is serving their constituents or themselves in the finest tradition.

I hope the Senate would adopt this amendment, and it would be a message

back home to those communities saying that what is good enough for you people is good enough for us.

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

Mr. KATZ: Mr. President, I was very critical of one of the moves the Senator from Kennebec, Senator Reeves, made because I felt that he was going much, much too far for our needs here, and I just wanted to say that I think he has put together a very reasonable amendment. On that basis, I agree almost completely with the Senator from Cumberland, but when Senator Conley says that there is nothing sacred about the Senate I think he overlooks the fact that sometimes the oratory is quite inspired and very frequently, although not quite so frequently, it is inspirational too. But I think this is a reasonable posture for us to take today and I hope you support the amendment.

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

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, I ask leave to withdraw my motion for indefinite postponement.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, requests permission to withdraw his motion to indefinitely postpone Senate Amendment "A". Is this the pleasure of the Senate?

It is a vote.

Thereupon, Senate Amendment "A" to Committee Amendment "A" was Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted.

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

Mr. REEVES: Mr. President, I don't want to push this too far but I have another amendment, Senate Amendment "B".

The PRESIDENT: The Senator from Kennebec, Senator Reeves, now offers Senate Amendment "B" and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B", Filing No. S-202, was Read.

The PRESIDENT: The Senator has the floor.

Mr. REEVES: Mr. President, just briefly, this amendment enlarges on the enforcement provision of the present law by providing a citizen standing to bring suit to void any action taken by a government agency in violation of the present right to know law or to force compliance with our present laws. This in no way changes the present laws; it just writes into the law the citizens' right to bring suit under this law.

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

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, could I have this tabled one day? I don't know what the amendment is, and it sounds lousy to me.

The PRESIDENT: The Chair would advise the Senator that he should not debate his tabling motions.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of

Kennebec, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "B".

The President laid before the Senate the seventh 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 Speers of Kennebec.

Pending — Motion of Senator Katz of Kennebec to Indefinitely Postpone Senate Amendment "A" (S-74)

(In the House — Bill and Accompanying Papers Indefinitely Postponed.)

(In the Senate — Under suspension of the rules, Passage to be Engrossed Reconsidered; Conference Committee Amendment "A" (H-273) Indefinitely Postponed.

Mr. Katz of Kennebec then moved the pending question.

Whereupon, Senate Amendment "A" was Indefinitely Postponed.

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

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

Sent down for concurrence.

The President laid before the Senate the following matter which was tabled earlier in this afternoon's session by Mr. Berry of Cumberland, pending Consideration:

House Papers

Bill, "An Act Exempting Transactions in Securities or Commodity Accounts made with a Broker-dealer Registered on the Commodities Futures Trading Commission from the Consumer Credit Code." (H. P. 1630) (L. D. 1905)

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

Thereupon, under suspension of the rules, the Bill was given its First Reading and Tomorrow Assigned for Second Reading.

The President laid before the Senate the following matter which was tabled earlier in this afternoon's session by Mr. Greeley of Waldo, pending Adoption of House Amendment "B".

Bill, "An Act to Remove the Requirement that Municipalities Composing a Transit District be Contiguous and to Authorize Municipal Transit Districts to Provide Transportation Service Outside of District Boundaries." (H. P. 1244) (L. D. 1545)

Mr. Berry of Cumberland then presented Senate Amendment "A" to House Amendment "B" and moved its Adoption.

Senate Amendment "A", Filing No. S-221, to House Amendment "B" was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: The amendment which I have just offered leaves the emergency preamble on the bill and takes out the matter of the advertising. I really think this is a step backward when we are going to have buses roaming the streets covered with advertising. These are municipally operated buses, I think they are going to do a good job, and I think the Greater Portland Transit District is a service

which we are very proud of. I don't believe we should have this visual pollution that is proposed in the amendment. And I would, with that, solicit the Senate's support for this amendment to House Amendment "B".

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

Mr. MERRILL: Mr. President, I would like to make an inquiry through the Chair to the Senator from Cumberland, Senator Berry. Is it true that this whole area in this amendment simply affects those buses that are used part-time or full-time as school buses and not the other buses?

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

The Chair recognizes that Senator.

Mr. BERRY: Mr. President, it is true that some of the buses used in the Greater Portland Transit District are used for the busing of students, but this bill will apply to all the operations of the Transit District.

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

Thereupon, on motion by Mr. Merrill of Cumberland, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A" to House Amendment "B".

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.