

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, May 29, 1975

Senate called to order by the President.
Prayer by Rabbi David A. Fairman,
Beth Israel Synagogue of Waterville.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

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

In the Senate May 16, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-312), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-508) and Committee Amendment "A" (H-312), in non-concurrence.

Mr. Jackson of Cumberland moved that the Senate Recede and Concur.

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled until later in today's session, pending the motion by Mr. Jackson of Cumberland to Recede and Concur.

Non-concurrent Matter

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

In the House May 27, 1975, the Majority report Read and Accepted and the Bill Passed to be Engrossed.

In the Senate May 27, 1975, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Greeley of Waldo moved that the Senate Adhere.

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

Mr. KATZ: Mr. President, when I saw the name of this bill the other day, I threw my hands figuratively up in the air and said, good heavens, how deeply are we going to meddle into the rights of human beings. But then I looked at who sponsored the bill, and he is a motorcyclist, and what this bill does actually is to correct some real meddling we did last session and puts the motorcycle handles at a safe level for motorcyclists. And it is, as I understand it, supported by the state police. On that basis, I hope that the Senate will, and I so move, will recede and concur.

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

Mr. McNALLY: Mr. President and Members of the Senate: Since I was a little bit ashamed, not knowing too much about the bill, this morning I called the State Police and I asked the question if they had said anything in committee about the handle bars, and there was nothing said evidently about it too much in committee, and I said, "do you think the bill ought to pass?" And they said, "No way."

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

Mr. KATZ: Mr. President, a little knowledge is a dangerous thing. I withdraw my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now requests permission to withdraw his motion that the Senate recede and concur. Is this the pleasure of the Senate?

It is a vote.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

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

In the House May 23, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-438).

In the Senate May 27, 1975, Bill and accompanying papers Indefinitely Postponed in non-concurrence.

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

Mr. Carbonneau of Androscoggin moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. BERRY: Mr. President, I personally think it would be awfully nice if the Senate turned this motion down and then we voted to adhere.

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

Mr. CONLEY: Mr. President, I couldn't agree more strongly with the remarks of the good Senator from Cumberland, Senator Berry. I think this matter was well debated the other day. As I previously stated, it is almost impossible to write a law that is going to be constitutional relative to this subject matter. Again, I would state that there have been a number of attorneys here in years gone by who have spent many, many hours trying to do something with this thing, and I am sure the present writing of the bill will prove very unconstitutional if challenged.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Androscoggin, Senator Carbonneau, that the Senate insist and join in a committee of conference.

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

A division was had. 13 having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

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

In the House May 27, 1975, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

In the Senate May 27, 1975, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Greeley of Waldo, the Senate voted to Adhere.

Communications

STATE OF MAINE

One Hundred and Seventh Legislature

House of Representatives

Office of the Clerk

Augusta, Maine 04330

May 22, 1975

Honorable Harry N. Starbranch

Secretary of the Senate

107th Legislature

Augusta, Maine 04333

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference 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 Speaker appointed the following members of the House to the Committee:

NAJARIAN of Portland

COONEY of Sabattus

FARNHAM of Hampden

Respectfully Signed:

EDWIN H. PERT

Clerk

House of Representatives

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Trotzky of Penobscot, WHEREAS, laws relating to land use are administered and enforced by several levels of government; and

WHEREAS, many land use regulatory laws affect activity on particular parcels of land without necessarily considering the effect of the activity on adjacent lands, municipalities or regions of the State; and

WHEREAS, the people of the State of Maine need to determine land use goals and formulate policies which these laws should protect and implement; and

WHEREAS, the level of government best able to administer particular laws needs to be determined; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Natural Resources, to study the above problems in order to determine:

1. Land uses and areas of particular state-wide concern;

2. A means to improve procedures for increasing public participation in the formulation of land use goals, policies and statutes;

3. The governmental unit most suited to implement particular land use laws;

4. The need for greater coordination or consolidation of governmental units enforcing land use statutes and ordinances which would improve the administration of these laws; and

5. The effects of land use laws and policies on forest practices and management or growth or development in both the organized and unorganized areas of the State and whether these laws implement established state and local goals; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (S. P. 539)

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

On motion by Mrs. Cummings of Penobscot,

WHEREAS, the field of public utility regulation is one of great legal and technical complexity; and

WHEREAS, part of this regulation is involved with the field of sewer districts and water utilities; and

WHEREAS, Legislative Document Number 1808, introduced into the regular session of the 107th Legislature, concerns Public Utility Commission regulation of sanitary, sewerage, sewer utility and water districts; and

WHEREAS, Legislative Document Number 812, introduced into the regular session of the 107th Legislature, concerns a comprehensive regulation of the public drinking water supply; and

WHEREAS, the complexity of these two bills and of their effect on public utilities regulation illustrates the need for a clear and concise legislative policy towards the regulation of all public utilities, and of water utilities and sewerage districts in particular; now, therefore, be it

ORDERED, the House concurring, the Legislative Council be authorized, through the Joint Standing Committee on Public Utilities, to study the subject of state regulation and rate control of water companies, water utilities and sewerage districts, and to study the statutory and regulatory policies which are currently in force concerning the regulation and rate control by the Public Utilities Commission of all public utilities, in order to arrive at a clear legislative policy regarding that regulation and rate control; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (S. P. 540)

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

On motion by Mr. Johnston of Aroostook, WHEREAS, the professions of speech pathology and audiology provide important services to many Maine people; and

WHEREAS, these professions are now undefined and unregulated by Maine law and there is therefore no means to protect Maine people from unqualified practitioners; and

WHEREAS, legislation to accomplish these purposes, S. P. 454, L. D. 1669, "An Act to Provide for the Licensure of Speech Pathologists and Audiologists," was introduced at the regular session of the 107th Legislature, but it was felt there was a possibility of conflict between this bill and the statutes regulating other professions and businesses, especially that of hearing aid dealers; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized through the Joint Standing Committee on Business Legislation to examine the subject matter of L. D. 1669 and to report its findings, together with any proposed legislation, to the next special or regular session of the Legislature; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (S. P. 542)

Which was Read.

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

On motion by Mr. Greeley of Waldo,

WHEREAS, pending legislation would provide transportation services at reduced rates to island residents who are 60 years of age or older; and

WHEREAS, a State Ferry Advisory Board has been proposed to give detailed advice to the Department of Transportation on the operation and future of such activities; and

WHEREAS, provision for ½ fare is limited by age and to residents of certain islands and an advisory board on ferries already exists within the Department of Transportation; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Transportation, to study the condition and operation of the Maine State Ferry Service including, but not limited to, the provisions of "An Act to Establish the Maine State Ferry Advisory Board," H. P. 1308, L. D. 1651, "An Act to Allow Certain Island Residents Use of the Maine State Ferry at one-half Fare," H. P. 1391, L. D. 1717, as introduced at the Regular Session of the 107th Legislature; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (S. P. 543)

Which was Read.

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

Committee Reports House

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

Bill, "An Act to Create the Maine Licensing and Permit Procedures Review Commission." (H. P. 1444) (L. D. 1750)

Bill, "An Act to Abolish the Commission on Intergovernmental Relations." (H. P. 1415) (L. D. 1709)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Authorize Barbers to Practice Barbering in a Beauty Shop." (H. P. 1330) (L. D. 1642)

Reported that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act to Prohibit a Creditor from Telephoning a Debtor at the Debtor's Place of Employment." (H. P. 664) (L. D. 838)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act Relating to State Board of Arbitration and Conciliation." (H. P. 424) (L. D. 517)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act Clarifying Administration Procedures of the State Board of Arbitration and Conciliation." (H. P. 816) (L. D. 1000)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Creating a Correctional Policy for the State of Maine." (H. P. 1031) (L. D. 1319)

Reported that the same be granted Leave to Withdraw.

The Committee on Veterans and Retirement on, Bill, "An Act Providing for Increased Survivor Benefits under the Maine State Retirement System." (H. P. 946) (L. D. 1214)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act to Prohibit the Plugging of Lobsters." (H. P. 1075) (L. D. 1355)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-409).

Signed:

Senators:

BERRY of Cumberland
CUMMINGS of Penobscot

Representatives:

GREENLAW of Stonington,
JACKSON of Yarmouth
CURTIS of Rockland
CONNERS of Franklin
MILLS of Eastport
JENSEN of Portland
BLODGETT of Waldoboro

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

Signed:

Senator:

REEVES of Kennebec

Representatives:

MACKEL of Wells
WEBBER of Belfast
POST of Owl's Head

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Provide for Single Member Districts in the House of Representatives; Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1984; and to Establish an Apportionment Commission to Plan for all Apportionments of the House of Representatives and Senate. (H. P. 738) (L. D. 919)

Reported that the same Ought to Pass in New Draft under New Title: Resolution, Proposing an Amendment to the Constitution to Provide for Reduction of the Number of Representatives in 1985, to Establish the Number of Senators at Thirty-three in 1985 and to Change the Date of Convening of the Legislature. (H. P. 1587) (L. D. 1883)

Signed:

Senators:

WYMAN of Washington
GRAHAM of Cumberland

Representatives:

WAGNER of Orono
CARPENTER of Houlton
KANY of Waterville
LEWIN of Augusta

FARNHAM of Hampden
STUBBS of Hallowell
COONEY of Sabattus
PELOSI of Portland

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

Signed:

Senator:

CURTIS of Penobscot

Representatives:

SNOWE of Auburn
QUINN of Gorham

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

Which reports were Read.

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Acceptance of either Committee Report.

Divided Report

The Majority of the Committee on Energy on, Bill, "An Act to Create an Independent Supervisor to Review the Construction and Initial Operation of an Oil Refinery." (H. P. 1433) (L. D. 1720)

Reported that the same Ought Not to Pass.

Signed:

Senators:

ROBERTS of York
TROTZKY of Penobscot
CIANCHETTE of Somerset

Representatives:

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

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

Signed:

Representatives:

DAVIES of Orono
CONNOLLY of Portland
GREENLAW of Stonington

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

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on An Act Providing for the Observance of Memorial Day on May 30th. (S. P. 371) (L. D. 1198)

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

On the Part of the House:

MILLS of Eastport
CONNERS of Franklin
JOYCE of Portland

On the Part of the Senate:

CLIFFORD of Androscoggin
KATZ of Kennebec
DANTON of York

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-502).

Which report was Read.

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

Mr. HICHENS: Mr. President, I would ask of anyone on the Conference Committee what this amendment actually accomplishes? It just states that when the United States Government sets May 30th as Memorial Day then the State of Maine will go along with it. Why do we have to have that on the books? The State of Maine would have to go along with the federal government anyway.

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

Mr. KATZ: Mr. President, it was the position of the Senate that we wish to keep Memorial Day where it is. The position of the other body was that they wished to change back to the traditional date. As a spokesman for the Senate's point of view, I felt that this was a very meaningful compromise because it yields nothing of the Senate's position.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Committee of Conference Report?

It is a vote.

Senate

Leave to Withdraw

Mr. Katz for the Committee on Education on, Bill, "An Act Providing for the Establishment of an Interstate Regional College of Veterinary Medicine." (S. P. 411) (L. D. 1310)

Reported that the same be granted Leave to Withdraw.

Which report was Read.

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

Mr. KATZ: Mr. President, because there is so much statewide interest in the need for a college of veterinary medicine, I thought I would briefly explain my reasoning for withdrawing this legislation.

Our needs for veterinarians are clearly demonstrable. The need for access for Maine youngsters into this field is clearly proven by all statistics. But the financial climate of this session is such that prudence indicates that we had better wait a bit. I just want the Senate to know that this bill will appear again in the special session, at which time we will be able to face the issue. By the time the special session rolls along I would presume that Massachusetts, Connecticut and Rhode Island, at least, will have joined into the six state compact to make Maine's posture in the compact extremely significant.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Leave to Withdraw Report of the committee?

It is a vote.

Ought to Pass — As Amended

Mr. Jackson for the Committee on Agriculture on, Bill, "An Act Relating to Maine Veterinary Practice." (S. P. 212) (L. D. 739)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-218).

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Resolve, Appropriating Funds for the Pharos House of Portland. (S. P. 477) (L. D. 1610)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-220).

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

Divided Report

The Majority of the Committee on Natural Resources on, Bill, "An Act Relating to Environmental Controls and the Sardine Industry." (S. P. 471) (L. D. 1605)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Environmental Controls" (S. P. 541) (L. D. 1908)

Signed:

Senators:

WYMAN of Washington
O'LEARY of Oxford

Representatives:

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

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

Signed:

Senator:

TROTZKY of Penobscot

Representatives:

PETERSON of Windham
DOAK of Rangeley
WILFONG of Stow

Which reports were Read.

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

Mr. TROTZKY: Mr. President, I move the Senate accept the Minority Ought Not to Pass Report and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: This is a very important bill. It is a sleeper. I would like to give you the history of this bill quickly. It came in originally as L. D. 1605, and L. D. 1605 was an act relating to environmental controls in the sardine industry. The bill stated: "Notwithstanding any other provisions of law, no state agency or municipality of the State may impose any environmental rule, regulation, law or ordinance on any segment of the sardine industry which is more stringent than federal law."

The sardine industry then officially divorced itself from this bill, stating that we had nothing to do with this legislation. The sponsor of the bill then at the committee hearing amended the bill and took out the word, "sardine". The bill now states that, "Notwithstanding any other provisions of law, no state agency may impose any environmental rule, regulation, more stringent than federal law."

I asked the Attorney General for an opinion as to what this bill would do as it stands right now, and this comes from the Attorney General: "You have asked me to list those existing laws which would be affected by the redraft of L. D. 1605, and to otherwise comment on the impact of this bill." I am not going to read the whole letter, I am just going to read part of what this bill would do. At a minimum, it would eliminate the Site Location Law, the Oil Discharge Prevention and Pollution

Control Act, the Wetlands Act, the Shoreland Zoning Act, the Minimum Lot Size Act, the Maine Mining Act, the Solid Waste Management Act, the Plumbing Code, the Septic Tank and Cesspool Waste Disposal Law, the Great Ponds Act, the Sewerage Treatment Act, the Land Use Regulation Commission. And then the word "environment" is really a very general term, so under the broad definition a whole range of subjects can be considered as within the scope of environmental controls, including, for example, State Housing Codes, State Electrical Code, Labor Laws, Health and Safety Laws, and any other laws regulating or affecting living or working conditions in this state.

In summary, the end of the letter states: "We would note that the effect of the bill would be to repeal not only state laws and regulations more rigorous than federal laws, but also to repeal any state law or regulation which was not the subject of any federal law or regulation. This latter effect would be of more widespread impact than the former." signed John Patterson, Assistant Attorney General.

I am sort of embarrassed for my committee that this bill came out Majority Ought to Pass like this. I hope that the Senate will use common sense and accept the minority report.

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

Mr. Wyman of Washington then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Trotzky of Penobscot to accept the Minority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Speers of Kennebec, a division was had. 13 having voted in the affirmative, and 15 having voted in the negative, the tabling motion did not prevail.

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

Mr. SPEERS: Mr. President, after listening to the Senator from Penobscot, Senator Trotzky, I am reminded of another bill that was introduced here a session ago which very briefly and very succinctly stated that titles 1 through 39 of the Maine Revised Statutes are repealed.

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

Mr. WYMAN: Mr. President, I realize that a tabling motion is not debatable but I think this bill can be corrected to take care of all the problems which Senator Trotzky raised. Can we reconsider this tabling motion? Would that be in order? I think that I can bring up an amendment that will accomplish my purpose and not bring the dire happenings that the good Senator from Penobscot described.

The PRESIDENT: The Chair would advise the Senator from Washington that a motion to table until later in today's session would be in order at this point.

Mr. WYMAN: Mr. President, then I so move.

The PRESIDENT: The Chair understands that the Senator from Somerset, Senator Cianchette, moves that this item be tabled until later in today's session. Is this the pleasure of the Senate?

The motion prevailed.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill,

"An Act to Further the Conservation of Vision." (S. P. 169) (L. D. 556)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-217).

Signed:

Senators:

HICHENS of York
GREELEY of Waldo

Representatives:

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

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

Signed:

Senator:

BERRY of Androscoggin

Representatives:

LOVELL of Sanford
POST of Owl's Head
LaPOINTE of Portland

Which reports were Read.

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

Mr. GRAHAM: Mr. President, I noticed that Senator Berry from Androscoggin is not present today, and I hope someone would table this item until tomorrow.

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

Thereupon, on motion by Mr. Carbonneau of Androscoggin, tabled and Tomorrow Assigned, pending Acceptance of either Committee Report.

Second Readers

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

House

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

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)

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

House — As Amended

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

Bill, "An Act Appropriating Funds to Renovate Indian Dwellings on the Penobscot Indian Reservation." (H. P. 1377) (L. D. 1708)

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)

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

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

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

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)

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)

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

Bill, "An Act Concerning Municipal Property Tax Bills." (H. P. 940) (L. D. 1313)

Bill, "An Act Amending Laws Related to Coeducational Program in Juvenile Training Centers." (H. P. 772) (L. D. 943)

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

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

Which was Read a Second Time.

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

Mr. KATZ: Mr. President, I just wanted to call the Senate's attention to this bill which actually establishes a new activity for the PUC. It sounds to me like a meaningful activity, but I would like to place a question through the Chair to any member of the committee. I noticed that there is an amendment on it which establishes the entire cost of this new governmental function that is something like \$11,000 a year. I have never seen this happen before, and I would like to hear someone justify this extraordinarily small cost for this new assignment.

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 Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: Is the question the cost or the setting up of the office? Could the Senator from Kennebec, Senator Katz, restate his question please?

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

Mr. KATZ: Mr. President, my question is that this sets up a new governmental service not presently being accomplished, but it does it at a cost, as I recall, of \$10,000 to \$11,000 a year for the entire brand new function. I felt that this was a very, very optimistically small cost and I would like to hear it justified.

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

Mrs. CUMMINGS: Mr. President, I thank the Senator from Kennebec, Senator Katz. Yes, this is a small cost for a whole new office. The reason for that is because they already have within their purview a person who does take care of complaints as far as directing them to the office where the answers will be given to the complainer or the complaint will be taken care of. This position has become more of a job, as you can well imagine with all the rising costs, than it was in the past, and this is to expand what in reality has been taken care of within their situation.

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

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

Bill, "An Act to Regulate Certain Oil

Carrying Vessels in Maine Waters." (H. P. 723) (L. D. 900)

Which was Read a Second Time.

On motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Senate — As Amended

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)

Bill, "An Act Relating to Reports Required by Municipal Ordinance of Developers of Shoreland Areas." (S. P. 248) (L. D. 821)

Bill, "An Act to Clarify the Laws Relating to Dentistry." (S. P. 70) (L. D. 235)

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

Sent down for concurrence.

Orders of the Day Reconsidered Matter

On motion by Mr. Carbonneau of Androscoggin, the Senate voted to reconsider its action whereby on Bill, "An Act Concerning the Mounting of Red Lights on Vehicles Operated by Volunteer Firemen," (H. P. 990) (L. D. 1338), the Senate voted to Adhere.

The same Senator then moved that the Senate Recede and Concur.

The PRESIDENT: The Senator has the floor.

Mr. CARBONNEAU: Mr. President and Members of the Senate: This bill is nothing but permissive legislation. As I understand it and as I read the bill, at the present time the volunteer firemen are asked to put flashing red lights on the bumpers of their vehicle. In very many areas, especially along the coast, their lights are not very well seen, especially when it is very foggy. This gives them permission in the towns and municipalities, if they so desire, to put these flashing red lights on the hood of their cars. I can't see anything wrong with this legislation, and that is why I make the motion.

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

Mr. GREELEY: Mr. President and Members of the Senate: The reason I signed the bill ought not to pass is because there are too many flashing lights on the road right now. It was brought out in committee that there has been some abuse by some of these lights that are already being used. So to put a curb on this situation I voted ought not to pass.

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

Mr. DANTON: Mr. President and Members of the Senate: In my political career I had the pleasure of serving on the Police and Fire Commission in the City of Saco. I would like to tell you, the members of the Senate, that they have had flashing lights for many years on the Saco Fire Department. Now, maybe in the rural areas they perhaps aren't needed, but I know down in our area in the summertime when we have tens of thousands of people, and there is a fire, these call firemen or volunteer firemen have to get to the fire. It is really in the best interest of the traveling public when these call firemen can have their lights flashing.

Just over Memorial Day weekend we had a big fire at Old Orchard Beach. The fire departments came from Sanford,

South Portland, Scarborough, Biddeford, and a lot of call firemen went to that fire. Now, there was a lot of traffic on the road and I saw them go to the fire. They go with extreme caution, and this flashing red light really helps the situation. I hope that you would support Senator Carbonneau.

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 recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

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

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

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed.)

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

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

Bill, "An Act Relating to Weekly Compensation Paid under the Workmen's Compensation Law." (S. P. 226) (L. D. 758)

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

Pending — Adoption of Committee Amendment "A" (S-118).

Mr. McNally of Hancock then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-223, to Committee Amendment "A" was Read.

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

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

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

Tabled — May 27, 1975 by Senator Corson of Somerset.

Pending — Passage to be Engrossed.

Mr. Corson of Somerset moved that the Bill and Accompanying papers be Indefinitely Postponed.

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

Mr. SPEERS: Mr. President, I wonder if I might ask for an explanation from the good Senator from Somerset, Senator Corson.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question to the Senator from Somerset, Senator Corson, who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question to the Senator from Somerset, Senator Corson, who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I am not

exactly Senator Corson, but I would be glad to lend a little hand here.

The bill has as its objectives the establishment of modern uniform building code standards for the entire State of Maine. It is a tremendous job to come up with a workable code. I can't think of a better example of where the legislature is shackled by a lack of technical input to solve a vital problem for the state. I think Senator Corson and his committee have done the best they possibly could, but it is just an impossible job.

The job is so big that it is questioned that even a recess study of the problem with our resources would come up with something. So, I personally think quite properly the decision has been made to drop the entire matter.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Somerset, Senator Corson, that L. D. 1810, "An Act to Establish the Maine Building Code," together with all its accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

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

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

Pending — Consideration.

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

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

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

Mr. KATZ: Mr. President, what is the status of this bill? Obviously we are now in non-concurrence. What are the alternatives facing us this morning?

The PRESIDENT: The Chair would advise the Senator the alternatives would be for the Senate to recede, to recede and concur, to insist, to insist and ask for a committee of conference, or to adhere.

Mr. KATZ: Mr. President, I move the Senate insist and request a committee of conference.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate insist and ask for a committee of conference with the House. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I would like to stick my oar in and move that we recede and concur, which I do. I both stick it in and I make the motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

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

Mr. KATZ: Mr. President, this is a bill that was enacted by the last legislature and was subsequently vetoed. The federal legislation we are attempting to conform with here gives us a choice of two ways to participate in some federal programs in higher education. One way is for the legislature to enact legislation. The second alternative, which will be pursued if we do

not enact, is for the Governor to appoint. Those are the two alternatives that are contemplated by federal law.

Obviously, it was my decision as sponsor that the legislature should act and the legislature should designate the form and shape that we want this commission to be in. We haven't debated it here in the Senate at all, so perhaps a word or two of explanation might be in order.

This is called a 1202 Commission, because that is the section of the federal law that it seeks to comply with. It draws together all post-secondary education, including our proprietary schools, in a posture of planning and conversation. So for the first time everybody in the state knows what everyone else is doing, and hopefully we will avoid duplication and wasteful underutilization of some of our resources. But it does something else other than that. For example, hidden away in the current services budget, which we will shortly be seeing, I suspect, there will be about a million dollars in appropriations for the University of Maine. I think the figure is probably about a million dollars, although I have never seen it identified, is for student assistance. It is distributed on the various campuses of the University. It generates absolutely not one penny of federal money. Were we to take this million dollars and put it in a central student assistance program, we would generate significant federal dollars by the simple expedient of changing where we send the money to. This is typical of some of the things we can do if we have a central clearing place to review federal programs and establish a statewide posture.

The charge probably will be made that we are establishing another bureaucracy, and I say no such thing. Many of the functions that are in this bill are presently being performed elsewhere within the state. The appropriation on it is a modest one. This commission cannot grow unless other legislatures make it grow. I say that we shouldn't; that this is a planning commission with some administrative functions, and that is how it should go. But I think the basic question in front of the Senate this morning is whether or not this commission should be created by the legislature, under our control and jurisdiction, or appointed by the executive department.

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

Mr. THOMAS: Mr. President and Members of the Senate: I must concur with everything that the Senator from Kennebec, Senator Katz, has just said. I am a member of the Higher Education Council, which is made up of the presidents of all the colleges and of the University, and the directors of the VTI's, plus two proprietary institutions. I am also on the five man executive committee of the Higher Education Council. The Higher Education Council supports the 1202 Commission as it is in this bill. It was supported last year but, as Senator Katz mentioned, the Governor vetoed it, and in order to keep the 1202 alive he appointed the State Board of Education as the 1202 Commission. That expired December 31st. I think it is ironic that the person who fourth against the 1202 Commission last year is now in California heading the 1202 Commission.

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

Mr. BERRY: Mr. President and

Members of the Senate: This is obviously an amateur attempt when I engage both the good Senators on the Education Committee in calling your attention to some of the more blatant defects of this bill. Of course, they have stolen most of the points, obviously, which I was going to cite to you, such as the fact that the bill sets up an administrative body, as Senator Katz says.

This is referred to as the PECOM Act on page two, and it does put a new layer of bureaucratic fat over the entire education setup in the state. Now, I don't quarrel one bit with the need or desirability of instituting and permitting the 1202 Act to be accepted by the state and administered properly. There is no question about it. And I would say that the bill was not lightly vetoed in the closing days of the last session. Governor Curtis gave it quite proper thought and quite proper decision.

The bill sets up a great white father of education which will totally control education from the cradle to the grave. It adds that the commission itself will be responsible for elementary, secondary and vocational education. It becomes omnipotent in every phase of educational activities. One of the points on which I take issue is that it downgrades tremendously the board of trustees of the University of Maine.

The obligations of this commission to make decisions go into every ramification of education. The right to decide what buildings are going to be where, who is going to grant degrees, who is going to get scholarships, every particular phase, regardless of the detail, is going to be handled by this omnipotent commission.

I maintain basically that there are ample qualified boards and individuals presently capable and administering the responsibilities that are visualized in here without creating additional people to do this under the board. It puts the matters in the hands of 15, since amended to 16, board members composed as follows: two from the university — now these first people are characterized under the heading "public," and I think you will agree when I finish that there is nothing public about them; they each have their special log to roll — under the so-called five public members, two are from the University of Maine, one from the State Board of Education, one is the Maine delegate to the New England Board of Higher Education, and the fifth is from the Vocational Education Council. Two more are specified to be: one, the chancellor of the university, and the second the commissioner of education. Three more will represent private institutions, such as Senator Thomas, or Bowdoin, or Colby, or anybody else. One additional one will represent proprietary institutions which, to my understanding, would be the small privately owned profit-making institutions, such as secretarial schools and so forth. The public does have four people represented on it, and this was the original total of fifteen. So out of the fifteen we really have four representing the public on the board.

The committee has come up with an additional member, making a total of sixteen, and I must define it to you as a half of that member will be from the Maine Maritime Academy — they are on for two years — and the other half of this entity will be the public again. So really the public has four and a half people on the commission and the Maine Maritime Academy has a half member on it, two years apiece.

I would recommend that you take the time to read the bill because the PECOM Act is extremely all inclusive. They did delete a penalty which was in the bill for refusal to furnish information, under subsection 80, quite properly deleting it. It must be consulted and give its approval for any educational institution to give degrees. Now, we in essence have this now. After considerable soul searching four years ago, the legislature changed the act so that the Department of Education now has very usable proper, practical guidelines for deciding what institutions can grant degrees.

I think that the board itself dabbling into scholarships is giving this one particular group of people administrative responsibilities that it is ill equipped to handle. I think these are under the area of sort of rule and regulation local decision-making type of operation.

Now, I call to your attention that this bill in essence was vetoed before. It was done with good reason. As a neophyte, it is impossible for me to point out to you the many, many problems that are here. I do feel it is a bureaucratic situation. I am all for a bill that would conform to necessity to the federal government to get our money. I think, as I pointed out, it totally supplants the university board of trustees, and we might just as well do away with them, and there are other types of institutions that I think are not properly represented on here. I think it is very difficult to create a board like this, with the powers it has got, and have it properly represented. If we are going to have special interest groups on boards then we are headed for trouble, which we found out here when we were trying to make some changes in the professional societies.

So I would hope that you would support my motion to recede and concur with the House.

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

Mr. KATZ: Mr. President, that was a fascinating discussion, but I don't know what bill the Senator from Cumberland was describing.

This bill has absolutely nothing to do with cradle and grave. It has nothing to do with anything except post-secondary education. I think that the Senator made a grave error when he identified another bill that was before us last session, nothing at all to do with elementary and secondary. Second, the bill clearly states that the representatives of public boards, not the public at large, but public boards.

The Senator also indicates that we are changing our system of degree-granting authority. No such thing. Presently degree granting authority is with the legislature, and under this bill it remains with the legislature. But just as typical of the misconceptions when you read this bill in a cursory manner, presently the legislature has the benefit of recommendations from the State Board of Education. The State Board of Education recommends that this be transferred to a central agency. The State Board of Education, which is presently the residence of a couple of these programs, recommends that this bill be enacted. The State Board of Education says that this is the proper vehicle. It doesn't create new programs, it just puts them together on a centralized basis. It does not increase the cost one penny of administering the very programs the Senator is talking about. But it unifies

them for the first time so somebody can take a look at the total package.

I find it interesting that the presidents of the University of Maine campuses — presumably the University is being damaged by this, but how I don't understand — the presidents are members of the Maine Higher Education Council, which the Senator from Kennebec, who is a member, just indicated that they are supportive of this legislation. So although I found the debate of the Senator from Cumberland fascinating, it is not at all relevant to the bill. It does not give control of any new programs at all. What it does establish, for the first time, and this is the only part that is really new, is a planning vehicle so when the legislature takes a look at higher education problems in the future for the first time we will have a statewide view.

Now, many of you perplexed over the plight of some of the private schools. Ricker is not represented this session by any legislation nor is Nasson, Beals was, but private schools are finding themselves continually in a posture where the University may move in in competition, spend some of the limited resources of the University, and they are very limited, in creating new programs in direct competition with private institutions where the new programs are not needed. But this commission would have no powers on this subject, but they would indicate to the legislature exactly what is going on in the whole spectrum of higher education.

Finally, I would like to suggest to you that the commission is going to be created anyway. It is just a question if you want it created on legislative terms or whether you want it created again by the executive. Now, why did the executive veto it last session? I think the proximate cause of the veto last session was the intervention of the then Chancellor of the University of Maine, my very good friend Don McNeil, who felt he saw some vague threat to the University, and it was he who was the loudest voice in convincing the executive to veto it last session. I noticed that the chancellor has indeed moved on to California, where he is performing the same function at a significant increase in pay.

But as far as this bill, it is a narrow bill which ties together existing programs, establishes no powers that are not presently powers either in one point of the state or the other, and for the first time it will give the Appropriations Committee, the Education Committee, and the Legislature at large a total picture of this extraordinary expensive thing which we call post-secondary education.

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

Mr. BERRY: Mr. President, responding to one or two of the comments of Senator Katz, I am reading from the bill now, and this is in reference to my cradle to the grave comment. These words are added in section two, paragraph B, page two of the bill: "This PECOM shall serve as a state agency for administering federal funds for elementary, secondary and vocational education."

Now, responding to one or two of the other points of Senator Katz. These are the duties of the board, the duties are spelled out in the L. D.: "PECOM shall have the following powers and duties: 1, Comprehensive planning, planning for post-secondary education in Maine." I maintain that this work is being done now.

so it is going to be transferred to this new group.

And 2, "The administration," — I underline the word administration, these are again the powers and duties of the commission, — 2 reads, "The administration of certain post-secondary education programs to serve as the state agency for the administration of certain state post-secondary education programs, including but not limited to" — now, this is administration, I am going to stress again — not setting up standards or anything like this, but administration. They are going to administer the student loan insurance program, the tuition equalization program, the Maine Delegation to the New England Board of Higher Education, obtaining information for applications for granting degrees, which I emphasized earlier to the Senate, and making recommendations to the legislature in that connection, the program of loans for candidates for practice of osteopathic medicine, and payment through the New England Board of Higher Education for post-graduate work such as medical and dental programs that we have. These are responsibilities that this new group is going to have.

Under 6 of the powers of the PECOM: "Construction of academic facilities." This commission is going to serve as the single state agency authorized to administer the construction of academic facility programs authorized under the Higher Education Act. This is any outfit that gets federal money, and of course they all do today.

Now, these are administrative responsibilities. If Bowdoin is going to get into this act, their building is going to be approved by this outfit. It may be right and it may be wrong. So I am not going to go through point by point, but I just cite these to you as reasons why the bill has had a rocky road, why it got defeated, and I am saying again maybe I am for the principle of the thing, but I don't think this commission should be stepping in and doing the nuts and bolts of the administrative work which I think in plain English says it intends to do in this bill.

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

Mr. KATZ: Mr. President, a good part of what the Senator from Cumberland just read to you about the school system in the state is in the section of the bill that pertains not to the 1202 Commission, but he is reading you language which is and remains the province of the State Board of Education. The section 2 he refers to pertains to the State Board of Education. It just restates what the State Board is doing and will continue to do. It happens to be in this bill, but it doesn't change a blessed thing. The State Department of Education continues those responsibilities. So please don't be misled. If you are going to vote for or against the bill, vote for or against the bill based upon what it says, not what it doesn't say.

The administrative functions which the Senator sees dark shadows in are presently all being done in a variety of places. Most of them are being done in the State Department of Education. The State Board of Education clearly supports the concept of taking these responsibilities out of its hair so it can concentrate on primary, elementary and secondary. There are no new programs being created in this administrative section at all. For example, the construction of academic facilities, well, this is a federal program

which was created and put for administration in the State Department of Education, and it has been there for some years, the Higher Education Facilities Act. The State Board of Education has functioned in trying to distribute whatever dollars there are for new construction on an equitable basis around the state. Probably this function has been illegal because the State Board operates some schools of its own, and yet it has asked to sit as an impartial arbiter to distribute money not only to their own schools, the vocational schools, but also the private institutions and the University of Maine. But in every single case where the Senator from Cumberland has waved some dark shadows in front of you, these are existing programs being administered in a variety of places, and all this bill does is tie these programs together, probably with the same personnel so at least one person in the state knows what is happening in all post-secondary education. It is this fragmentation of effort which has caused us so much dilemma in making legislative decisions and creating postures of duplication, and I say waste and inefficiency, in the utilization of our limited resources.

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

Mr. BERRY: Mr. President, in what I hope is a final bow in this matter, I will point out that I think buttressing my argument of the new layer of fat is the final tidbit under appropriation section 23 where \$75,000 is appropriated to administer this. So I think somebody has got to be doing something if we are going to pass this.

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

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

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

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Thomas.

Mr. THOMAS: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Berry, has mentioned about the degree situation. At the present time the State Board of Education is the one who decides whether or not you get a degree. This bill deletes that. It says, "obtain information regarding application for granting of degrees and making a recommendation to the legislature." It is deleted. The State Board of Education, I maintain, is not qualified to decide whether or not a post-secondary institution should have a degree. I have a personal example and knowledge of that, having gone through it. Because a great majority of the people on the State Board of Education are not in post-secondary education, they do not know what is going on. They themselves have changed their policy.

Here is an example: One institution in this state applied for a degree-granting status. These are the members of the committee that went to determine it: the chairman of the State Board of Education — and that is the only person who went — a member of the Department of Education who was knowledgeable, the

Vice President of Academic Affairs of Thomas College was a member of the team, the Vice President of the Higher Education Council is automatically now a member of the team, and one professor from another institution not involved, who could have come from out of state; in this situation did not, came from the Portland-Gorham campus, who was knowledgeable in a certain area that needed to be looked at. This will now put the degree-granting power into post-secondary education where it belongs. Thank you.

The PRESIDENT: A roll call has been ordered. The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, may I inquire a parliamentary question? Is the question before us today on non-concurrence or is the question enactment?

The PRESIDENT: The Chair would advise the Senate the question is non-concurrence. We are presently in a non-concurring position with the House.

Mr. KATZ: Mr. President, the Senate having passed this bill to be engrossed, thereupon it went down to the other chamber for enactment, it failed of enactment — I see that I am in error. Might I ask the Secretary to read the status of the bill?

The PRESIDENT: The Secretary will read the status.

The SECRETARY: On March 19, 1975, the bill was referred to the Committee on Education by the Senate. On March 26, 1975, it was referred to the Committee on Education in concurrence by the House. In the Senate on May 12, 1975, the Bill was read once and Committee Amendment "A" was adopted. It was read a second time on May 13. It was then sent to the House as a committee report. The House apparently accepted the committee report and the bill was read once and Committee Amendment "A" was adopted. That was on May 14. On May 15, the matter was given its second reading and it was tabled pending passage to be engrossed. There are a succession of tabling motions, and finally on May 21, 1975 the matter was reconsidered and the bill and accompanying papers were indefinitely postponed. Thence it came to the Senate in non-concurrence, and it has been tabled repeatedly until this date. We are in non-concurrence with the House, and the motions are as have been elaborated previously by the President.

The PRESIDENT: The Chair will state the question. The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Berry, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R.; Conley, Curtis, Cyr, Graffam, Graham, Greeley, Huber, Jackson, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Wyman.

NAYS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Collins, Corson, Cummings, Gahagan, Hichens, Johnston, Katz, Speers, Thomas, Trotzky.

ABSENT: Senator Danton.

A roll call was had. 17 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with one Senator being absent, the motion prevailed.

(See action later in today's session.)

The President laid before the Senate the

fifth tabled and Specially Assigned matter:

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

Tabled — May 27, 1975 by Senator Collins of Knox.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-266) as amended by House Amendment "A" Thereto (H-435).)

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

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

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

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)

Tabled — May 28, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-475).)

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

On motion by Mrs. Cummings of Penobscot, retabled until later in today's session, pending Passage to be Engrossed.

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

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

Tabled — May 28, 1975 by Senator Collins of Knox.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-364) as amended by House Amendment "B" (H-478) Thereto.)

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

On motion by Mr. Collins of Knox, retabled and Specially Assigned for June 2, 1975, pending Passage to be Engrossed.

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

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

Tabled — May 28, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-196) Adopted.)

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

The President laid before the Senate the ninth 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 28, 1975 by Senator Speers of Kennebec.

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.)

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

Sent down for concurrence.

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

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)

Tabled — May 28, 1975 by Senator Conley of Cumberland.

Pending — Reference.

(The Committee on Reference of Bills suggests that this Bill be Referred to the Committee on Liquor Control.)

(In the House — Passed to be Engrossed without Reference to Committee.)

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

Mr. HICHENS: Mr. President and Members of the Senate: I don't want to or intend to impress the Senate this morning on my highest nature but I would inform them that I am no stranger to prayer, and especially in these closing days of the legislature I pray quite often, and start my day's prayer with Lord keep me calm. Many times throughout the day I have to keep repeating that exhortation.

As I listened to our good chaplain this morning tell about the rabbi who felt that he hadn't accomplished what he could have in life by not getting involved, I can sympathize with that rabbi because there are times when I wished I wasn't involved either. But I am involved, and as I make my statements this morning I repeat the prayer that I have mentioned to keep me calm.

If ever we had a flagrant violation of common decency and legislative principles, we have it before us this morning on L. D. 1906. This bill as an amendment was submitted to the Liquor Control Committee who refused to attach it to L. D. 1567. A fellow Senator was requested to present it as a Senate Amendment, and in his wisdom refused to do so because it was declared not germane.

The one person so concerned with L. D. 1906 prevailed on the majority of the Reference of Bills Committee and allowed the bill to be introduced in this session, which is a slap in the face to the Liquor Control Committee, the good Senator who refused to present the amendment, and the entire 107th legislative body. As the forward states, the bill was approved by a majority, which includes at least one Senator. To rub salt in a wound, the bill is not even referred to a committee for a public hearing or committee decision. Furthermore, in violation of Joint Rule 12A, it has no statement of fact, Is this the type of democratic action which we are so proud to claim in our state? Just for these reasons alone, the bill should be defeated, but look at the bill itself.

The title states, "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."

"An indoor tennis club shall mean any commercially operated indoor facility

with four or more tennis courts which is open to the general public, which charges a fee and which has adequate facility for the sale and consumption of alcoholic beverages.

"An indoor skating club shall mean any commercially operated indoor facility offering skating facilities to the general public, which charges a fee and which has adequate facilities for the sale and consumption of alcoholic beverages.

"Licenses for the sale of spirituous and vinous liquors and malt liquor to be consumed on the premises may be issued at golf clubs, indoor tennis clubs and indoor skating clubs as defined in section two. Notwithstanding any other provisions of the law, licenses may be granted to indoor tennis clubs, indoor skating clubs and golf clubs in municipalities and unincorporated places which have previously voted affirmatively on title 28, section 101."

Here we're allowing the sale of hard liquors at the indoor skating rinks, tennis clubs, and so forth, without the sale of food, where most of the customers are the same young people that we've been so concerned with during this session. This again is a slap in the face to the restaurateurs who have to serve food to get a license. This is a special interest group who don't give a hoot for the people of Maine except for the almighty dollar that they can extract from them.

I therefore move for the indefinite postponement of this bill, and I ask for a roll call.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I rise to oppose the motion of the good Senator from York, Senator Hichens, and I think there are a few inaccuracies in his remarks. I think when he says the Senator refuses to present an amendment because it is not germane that he is implying the Senator is against what the bill stands for, and I don't think that is correct.

This bill, which is a bill that has limited application, I think attempts to address a problem which the current liquor laws do not cover. Recreation facilities such as this would cover are relatively new in the State of Maine, especially the tennis facilities and the skating facilities. Those facilities have provided a new dimension for Maine people and have provided new outlets of recreation for those people. This would merely allow them to serve alcoholic beverages without the requirement of serving food under a Class A restaurant, and it would only apply to those facilities which have the space and the facilities to serve the liquor.

I think the options available to some of these recreation facilities, under our liquor laws which really were written before these recreation facilities came into existence, are that some of them which are now open to the public and are public facilities, some of them will become private organizations and private clubs, and I think what will happen is that the outlet of recreation which is now available to the members of the public will be shut off. The purpose of the recreation facilities will be thwarted, and those facilities will no longer be able to be available for recreation department programs as they are presently available. They will no longer be available for various high school athletic programs which they are now available for.

Voting for this bill and against the

motion to postpone would allow, I think, more programs of a recreational nature to be available to the public. In my community, in which there is a tennis facility, it would not qualify under this because they don't have the space, but as an example, in my community, which is a low income community, tennis is just becoming a sport available to the majority of the people. It is a sport which young people can play, as well as adults, relatively inexpensively. This facility in my community has been a great boon to tennis because of the lessons available, because of the recreation department and the high school programs which are available. I think that this bill has no objection and is endorsed by the Liquor Commission and the Enforcement Bureau, which indicates there will be no problem with it.

I think that the issue really is whether or not the liquor laws will be flexible enough to change when a new type of facility comes upon the horizon which really is well suited for the result of the bill. So I would hope we would oppose the motion to indefinitely postpone and that we could pass the bill. I think procedurally it is correct that this was an amendment when in the committee, and it was not acted upon because it was thought it was going to be offered on the floor, and it was ruled not germane, so that it is not something that is eleventh hour, the substance of the bill is not eleventh hour, although the bill is. We have done this many times before, and I think it is the kind of change in the liquor law to allow flexibility to allow these limited resources to provide more programs for the public. Thank you, Mr. President.

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

Mr. SPEERS: Mr. President, I really find it very difficult to remain silent on this matter, and I won't address myself to the bill itself. I really find it a little bit strange that the good Senator from Androscoggin, Senator Clifford, is the gentleman speaking so highly in favor of the introduction of this bill at this time when he has spoken so eloquently before about the need to limit the length of the legislative session and the need to place the members of the legislature on notice that they will be here for only a certain number of days so that we can indeed have a citizen legislature.

Mr. President, every one of us in this body has any number of bills, any number of issues, any number of needs that I am sure we could say should be before us and continue to be before us, and indeed if we wanted to make that determination we could be a congress of the State of Maine and remain here year around every year without probably anywhere near the number of recesses that that august body in Washington takes. We simply are faced with the question of whether or not this is such an emergency that it need be acted upon at this moment. And I think that if we are honest that we have to compare that question and compare this issue with any number of other issues that have not been allowed to be introduced and that are not here at this moment.

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

Mr. CONLEY: Mr. President and Members of the Senate: I can agree with some of the remarks made by the good Senator from Kennebec, Senator Speers, but let's be totally honest in the sense to

recognize the fact that it is only a courtesy of the Maine Legislature that public hearings are held on LD's to start with. Secondly, I think we are all men of wisdom relative to any legislative matter before us; we can either reject it or accept it, pass it or kill it.

Perhaps it would be erroneous on my part to ask the Senate to look at the sponsor's name of L. D. 1906, who is also what I consider to be one of the most responsible members of this legislature, and I just ask you to vote on the merits or demerits as to whether or not you in your own mind feel that this should have a hearing in both branches of the legislature.

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

Mr. PRAY: Mr. President, again we rise on another bill relating to liquor in this state and alcohol. I just want to raise one point to the legislature, which I am sure everybody is aware of, and that is the fact that all of these things have to go to the municipalities and the municipalities have to make the decision on whether or not that place will hold that liquor license. So it is up to the towns or the cities themselves that these facilities are located in to decide whether or not they will be allowed to serve alcohol.

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 L. D. 1906 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 please rise.

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 York, Senator Hichens, that L. D. 1906 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 Collins, Corson, Curtis, Gahagan, Greeley, Hichens, Jackson, Katz, McNally, O'Leary, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Graffam, Graham, Huber, Johnston, Marcotte, Merrill, Pray.

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

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

Mr. SPEERS: Mr. President, on the motion to refer this bill to committee, I ask for a roll call.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is on reference of this bill to the Committee on Liquor Control. A roll call has been requested on that question. 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 point of reference please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President, a point of order: I understand we are supposed to have all the bills out of committee by tomorrow night. How can we advertise and have this bill heard in committee?

The PRESIDENT: The Chair would advise the Senator that he is correct, that bills are supposed to be out of committee tomorrow night, but there can be exceptions.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would like to once again point out for the benefit of some members of this Senate that it is not particularly necessary for every bill to have a public hearing. It could be referred to the committee and reported back to the House it originated from.

The PRESIDENT: The Chair will restate the question. The pending question would be the reference of this bill, L. D. 1906, to the Committee on Liquor Control, ordered printed, and sent down for concurrence. A "Yes" vote will be in favor of referring this bill to the committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Conley, Cummings, Danton, Graffam, Graham, Greeley, Huber, Johnson, Marcotte, Merrill, O'Leary, Pray, Thomas.

NAYS: Senators Corson, Curtis, Cyr, Gahagan, Hichens, Jackson, Katz, McNally, Reeves, Roberts, Speers, Trotzky, Wyman.

A roll call was had. 19 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the Bill was Referred to the Committee on Liquor Control and Ordered Printed.

Sent down for Concurrence.

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

HOUSE REPORTS — from the Committee on Natural Resources — Bill, "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air." (H. P. 1191) (L. D. 1487) MAJORITY REPORT — Ought to Pass; MINORITY REPORT — Ought Not to Pass.

Tabled — May 28, 1975 by Senator Wyman of Washington.

Pending — Motion of Senator Trotzky of Penobscot to Accept Minority Ought Not to Pass Report.

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

Mr. O'LEARY: Mr. President and Members of the Senate: I am going to ask you to defeat the motion of the good Senator from Penobscot to accept the Minority Ought Not to Pass Report of the Committee, and I would ask for a division when the vote is taken.

Our Committee on Natural Resources went round and round on this bill in numerous working sessions. Our Committee heard from Representative Peterson of Caribou, one of the sponsors of the bill. We heard testimony from the town manager and others that they need this legislation. After all, Aroostook County has nine months of winter and three months of hard sledding. But to be serious, the burning dump bill is not the answer, and the cone burner is not the answer to our

problems of waste management here in the state either.

Yesterday you were only given half of the facts of this bill. You will note that there is a House amendment to this bill, under H-405, and this deletes the last sentence of the bill. And it says only that cone burners are permitted, not that they are the best practicable treatment because we know this is not a fact; it is not the best practicable treatment. The Department of Environmental Protection says that landfill is our only answer, but I would submit to you here today that that is not the answer either. The Department doesn't want open burning dumps because the residue will seep down into the water table and pollute. I agree. But I submit to you that landfill will do exactly the same thing. All you eliminate by landfill is smoke and odor. The answer is in an incinerator or something better. And believe me, alternate and better ways are in the process of being developed.

Landfill, if it were possible and were not seeping into the water table, could be the cheapest way out for the municipalities, however, there are a great many towns — and let me emphasize that, a great many towns in this state that have no land suitable for landfill, and the DEP admits it. I would suggest that these towns, if this bill does not receive passage, giftwrap their garbage and send it over to the DEP.

Admittedly, cone burners have been a bad experience for some, but properly operated and supervised, they destroy over 90 percent of what is deposited in them. This is from the Department's own testimony in opposition to this bill. And it was also testified to that the Department has not once conducted a test of air emissions from a cone burner. And yet they say it pollutes when they have no figures to back up what they are talking about.

Now, you heard yesterday that the cone burner we have in Mexico is an exception because Oxford Paper Company dumps its waste paper into it. Well, Oxford Paper Company does, perhaps as much as two truckloads per day. But this is perhaps less than half of 1 percent of what goes into this cone burner in any one day. As for smoke or odor, it is one heck of a lot more pleasant to drive into Mexico on Route 2 because no longer is the first thing you see or smell our burning dump on the banks of the Androscoggin River. The cone burner is approximately two and a half miles out of town, and the smoke from it cannot be seen from the town. As a matter of fact, when you are within 100 feet of it you will note that it is almost non-existent, and there is no odor.

Yesterday you heard the good Senator from Penobscot, Senator Trotzky, tell you that the Department tries to discourage towns from using cone burners. It was also stated that the Department would grant variances and permits, if requested. But perhaps the good Senator wasn't listening closely when Henry Mann of the Department of Environmental Protection said that they would not, absolutely would not, issue any more variances or permits for cone burners. As far as they are concerned, that is it; there will be no more.

Mr. President and Members of the Senate: I would say to you that up in the hills of western Maine — I mean, northern Oxford County — we have no place where the soil is right for landfill, except for the valleys along the river. We have two great rivers in my locality, and we don't want to pollute these rivers. We do not want to

bury our garbage on the banks of them and we do not want to burn it there. We have a cone burner and we want to keep our cone burner. And I submit to you that up in Aroostook County if they want cone burners, that this should be their right and privilege.

I fought for over thirty years to clean up the Androscoggin River, and this finally happened, but we are going to tax ourselves right to the brink of poverty to do it. We are spending unthinkable millions of dollars to do this. We are putting in waste treatment plants and everything else. And I submit to you that we cannot afford at this time to put in an incinerator that is going to perhaps be ruled out within a few years. There is something better coming along and we should wait for that.

I would submit to you that this is a good bill. It does not emasculate the air quality laws of our state, it will not pollute, and it will get rid of some of the garbage that we have lying on top of the ground now. In Aroostook County, are they supposed to lay this garbage on top of the ground and then bury it in the spring when it has blown all over the place?

Now, I am disturbed. We who are natives of this state love our woodlands, our mountains, our brooks, streams, rivers and our lakes. We like our clean water and our fresh air. Perhaps most of us here are downeast Yankees. Conservative, yes we are, but we know what we want, and we want time, we want to do what is right. This bill simply says it is "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air." It is very simple. And I would submit to you that the cone burner would pollute less than an open burning dump, and if the small municipalities wish to go this route why shouldn't they be allowed to? It is their right.

Last year I took a month or a month and a half down to Boothbay Harbor, my wife and I and the two kids. We packed our groceries in a travel trailer. We love it down there. We like the smell of the salt water and the smell of the clam flats — the smell, yes. Some may say that that is pollution; it is there and you can smell it, but we love it. But I would submit to you that there were two days when there was nothing but smog hanging over the State of Maine that was created by New York, New Jersey, and Pennsylvania. And I would submit to you if we put a cone burner in each and every one of the municipalities in this state that we could not create the air pollution that you have coming from Bethlehem Steel in Pittsburgh, Pennsylvania, or United States Steel in Gary, Indiana. We have a big state here and we don't have that problem right now, and we don't want to have it, but we want time. And that is all this bill is asking for, that we don't want those people over there in that building telling us that "No, you will not", and that is what this bill is all about. Give these municipalities the right to do what is best in their own judgment until something good comes along. That is all that is requested here.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: The good Senator from Oxford mentioned that the small municipalities need time, and our committee spent much deliberation over a bill which has been passed into law which

gives these municipalities two years time to look into other methods.

Now, the bill that we have before us here makes mockery of the air laws, because what essentially it states is that communities with populations which don't exceed 25,000 people can build cone variety teepee-type burners. Now, what the bill does is completely remove these communities from the air laws. The Environmental Protection Agency in Washington stated in a report here that field observations of 15 teepee burners used for disposal of domestic or industrial waste indicate that none of the teepee incinerators observed in operation meet normal visible emission limitations of air pollution control ordinances of most municipalities.

The bill was put in by Representative Peterson of Caribou for the Northern Maine Regional Planning Commission. The reason it was put in was because Presque Isle right now, as I understand it, is building a cone burner, and the DEP states that the Board of Environmental Protection has licensed the Rumford-Mexico unit and are expected to license the Presque Isle unit. Under the present law, they will license the Presque Isle unit because probably the cone burner is in such a location that it doesn't endanger the health and safety of the individuals in the area. But what this bill does here is exempt all towns of under 25,000 population.

It is a poor bill. The committee was split on this 50-50, or approximately — It was a very close vote and I don't recall the vote there. But we do have a good bill that we did pass this legislature, which is in law, which allows towns to apply for variances from landfill. If they do not have the area for landfill, they probably will be allowed to open burn. But the passage of this bill, besides causing problems with the federal government and violating agreements we have made, it also encourages towns to build these cone burners and, as stated, what is taking place here is that four out of six towns that have had these cone burners have had nothing but problems with them. It has cost them a great deal of money and it has been an economic hardship for these communities. So I would urge that this bill be defeated.

The PRESIDENT: The pending question before the Senate is the motion by Senator from Penobscot, Senator Trotzky, that the Senate accept the Minority Ought Not to Pass Report.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: Being on the Natural Resources Committee, I have heard considerable discussion on this bill. I can help the good Senator from Penobscot; the committee report was 8 to 5 ought to pass. And it just seems to me that everything the good Senator from Oxford said I can agree with, because we are going to have enough environmental controls and enough problems so we are going to drive all of us into the poorhouse. I think the bill is perfectly reasonable and I certainly hope you will support the good Senator.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, to accept the Minority Ought Not to Pass Report. A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

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

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

One-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I wonder if someone on the Natural Resources Committee might answer a question I have. I notice this bill is restricted to incinerators of the cone type. Are there other types of incinerators available to the towns to use? And if not, why aren't they included in this piece of legislation?

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 Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I am not sure I heard the question, but there is a difference between an incinerator and a cone burner. The cone burner is just an enclosure for the solid waste to be burned. The incinerator, I believe, forces air in or something, and gas possibly, but there is a difference. We are talking about cone burners or teepee burners here which were designed to burn wood waste. They were not designed to burn municipal trash, garbage, solid waste.

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

Mr. MERRILL: Mr. President and Members of the Senate: One concern of mine in listening to this debate is that there be options available to the towns, and that was the thrust of my question. Having had that previous question answered, I wondered if we could have some indication of the feasibility of other types of incinerators for use in towns or other types of burners. Maybe possibly an answer to my question is whether or not the Town of Windham, which has presently installed some sort of burning device instead of a landfill or open burning dump, whether or not that was a cone type burner or whether or not that was an incinerator which would meet the standards of the present law?

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

Mr. TROTZKY: Mr. President and Members of the Senate: I understand from the representative from the area that Windham is having problems with their incinerator at the moment.

I also will answer another question that was asked. Cone burners are not banned by existing state law. In other words, if there is an area where they can have an open burning dump, that they are allowed to open burn that doesn't endanger human health and safety, the town can put a cone burner there. What this bill does is remove towns up to 25,000 from the air quality laws if they put in cone burners, so they violate the agreements that the state has made with the federal government under the clean air act of 1970.

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

Mr. O'LEARY: Mr. President, I think that perhaps we have got to address the

fact that incinerators cost millions of dollars, and a lot of towns right now are spending millions of dollars for sewage treatment plants and don't have the capability of spending any more dollars at the present time.

Now, you want to talk about the cone burners. They are going to be not allowed. This is right from the Department of Environmental Protection. Henry Mann stated this after about four days of questioning, that they would not give any more variances, any more licenses, or permits. This is clearly stated. Now, I believe Henry Mann. He hasn't lied to me yet. It has taken some time to get some real facts out of him once in a while, but finally we get them. But an incinerator is not necessarily the answer to the whole problem either. You are going to spend millions of dollars for something that in the future may not be acceptable either. A cone burner, properly operated, gets rid of 90 percent of what is deposited in them. Maybe we ought to take these people from the Department of Environmental Protection and educate them and show them how to operate one of these things.

We are not saying that every town should have them. You have burning dumps, and you are going to have them for two years and three months from now, and the smoke is something fierce. When you come up through York County on the Maine Turnpike, do you like the looks of that burning dump right beside the highway? I don't. But a cone burner, if it is put in a location that is away from the town, there is very, very little smoke that can be seen, and they have not yet measured one cone burner for smoke emissions.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I have here some comments on this L. D. from Henry Mann of the Department of Environmental Protection that states, in the fifth item here, that cone burners are not banned by existing state law or Board of Environmental Protection regulations. Cone burners can be used in the state if the criteria established in the air quality statutes are met. This criteria relates to emissions and air quality, so they are not banned by the statute. But if they do put in cone burners, they do have to meet our air laws.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Trotzky, that the Senate accept the Minority Ought Not to Pass Report. A roll call has been ordered. A "Yes" vote will be in favor of accepting the Minority Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry, R. Berry, Collins, Curtis, Graham, Greeley, Merrill, Reeves, Speers, Trotzky.

NAYS: Senators Carbonneau, Cianchette, Clifford, Conley, Carson, Cummings, Cyr, Danton, Gahagan, Graffam, Hichens, Jackson, Johnston, Katz, Marcotte, McNally, O'Leary, Pray, Roberts, Thomas, Wyman.

ABSENT: Senator Huber.

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

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

Reconsidered Matter

Mr. Conley of Cumberland moved that the Senate reconsider its prior action whereby it voted to Recede and Concur on the following matter:

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

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

Pending — Consideration.

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

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland to Reconsider.

The President laid before the Senate the twelfth 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 28, 1975 by Senator Speers of Kennebec.

Pending — Adoption of Senate Amendment "B" (S-202).

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

(In the Senate — Committee Amendment "A" (H-285) as amended by Senate Amendment "A" (S-201), Adopted in non-concurrence.)

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

Mr. REEVES: Mr. President and Members of the Senate: I have received a lot of avuncular advice on this subject and have actually reconsidered the advisability of pressing my luck here. I would like to ask permission to withdraw this amendment, Senate Amendment "B".

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

It is a vote.

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

Sent down for concurrence.

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

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)

Tabled — May 28, 1975 by Senator Merrill of Cumberland.

Pending — Adoption of Senate Amendment "A" (S-221) to House Amendment "B" (H-498).

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

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

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

Mr. BERRY: Mr. President and Members of the Senate: Having been vanquished by the good Senator from Portland, Senator Merrill, I would like to say that this is a situation where I know I haven't got the votes to push my amendment through. My objection to the bill as originally proposed was purely an aesthetic one. I felt that visual pollution is something we are still interested in in the greater Portland community. However, the arguments that this advertising will provide money both perhaps in Waterville and Augusta, and perhaps Bangor too, are very potent arguments these days, so I realize that my amendment, meritorious as it might have been in my eyes, is totally impractical and I agree with its withdrawal.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am glad to see that the Senator from Cumberland has changed his mind in this regard. Earlier he spoke of a bill which would put a layer of bureaucratic fat all over the secondary education in Maine, and I am afraid if this amendment were adopted that we would have a good shot of malnutrition into the mass transit system of this state.

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

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

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

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Recessed until 4 o'clock this afternoon.

After Recess

Called to order by the President.

Papers from the House

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

Non-concurrent Matter

Bill, "An Act 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)

In the House May 15, 1975, Passed to be Engrossed as Amended by House Amendment "A" (H-249) in non-concurrence.

In the Senate May 28, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-188), in non-concurrence.

Comes from the House, that Body having Adhered.

On motion by Mr. Clifford of Androscoggin, the Senate voted to Adhere.

Non-concurrent Matter

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

In the Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-200).

Comes from the House, Bill and

accompanying papers Indefinitely Postponed, in non-concurrence.

Mr. Conley of Cumberland moved that the Senate Insist.

Mr. Jackson of Cumberland then moved that the Senate Recede and Concur.

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

Mr. SPEERS: Mr. President, this bill was obviously debated at length when we first had it in this body, and I won't proceed to rehash the arguments but I will urge the Senate to vote against the motion to recede and concur and affirm the decision that was made in the Senate at a previous time.

The PRESIDENT: The pending question, before the Senate is the motion by the Senator from Cumberland, Senator Jackson, that the Senate recede and concur with the House.

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

A division was had, 14 having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to insist?

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Thereupon, on motion by Mr. Jackson of Cumberland, a division was had, 15 having voted in the affirmative, and 14 having voted in the negative, the motion prevailed.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move the Senate reconsider its action and would ask the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby it voted to insist. Will all those in favor of the motion to reconsider say "Yes"; those opposed, "No".

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

Non-concurrent Matter

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

In the Senate May 28, 1975, Passed to be Engrossed as Amended by Senate Amendments "A" (S-208) and "B" (S-209), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-539) and Senate Amendments "A" and "B", in non-concurrence.

Mr. Danton of York moved that the Senate Recede from its former action whereby the Bill was Passed to be Engrossed.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from York, Senator Danton, that the Senate recede.

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

A division was had, 20 having voted in the affirmative, and 10 having voted in the negative, the motion prevailed.

Mr. Carbonneau of Androscoggin then moved that the Bill and accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. CARBONNEAU: Mr. President and Members of the Senate: I guess everything has been said that should be said about this bill. There are just a couple of things I would like to tell you that I don't think were enumerated enough.

First of all, I would like to call your attention to a Department of Health and Welfare slip that I put on your desks yesterday morning regarding the situation that this bottle bill would put the grocery stores in. I would just read the last paragraph: "Bottles and cans not stored properly permits small residues of beverages to leak out on the floor or onto boxes and so forth causing ideal breeding areas for vermin."

My point of objection to this bill particularly is the sanitary conditions that would be caused in the place where foods are stored, where you buy your food to put on the table, which would bring in an awful lot of flies, rodents, cockroaches, waterbugs, call them and you will have them. Besides that, the Department of Health and Welfare seem to think it would also be a breeding place for vermin.

Another reason why I stand against this bill particularly is also that it is a very discriminatory bill. I just want to quote you part of a paragraph over here of beverages that are not included in this bill. "The following beverages which certainly contribute substantially to any litter problem in the State of Maine are not included in the act: milk, liquor, wine, juices, juice drinks, ice tea, Hawaiian Punch, and many other kinds."

I am particularly concerned also that if we as legislators, who own the business of booze in this state, that regulate that business, we take in the profits, yet we do nothing about sending the bottles back to our own stores. But we are willing apparently, according to this bill, to put it into the grocery stores. Now, I don't think that is right. If we are willing to do it for others, why don't we do it ourselves.

This is why, Mr. President, I move indefinite postponement of this bill.

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

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

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

Obviously more than one fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I ask leave to pair my vote with that of the Senator from Aroostook, Senator Gahagan, who, if he were present, would be voting for indefinite postponement. I would be voting against indefinite postponement.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, asks leave to pair his vote with that of the Senator from Aroostook, Senator Gahagan, who, if he were here, would be voting against the bill, and the Senator from Penobscot, Senator Trotzky, would be voting for the bill. Is it the pleasure of the Senate to grant this leave.

It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President, I ask leave to pair my vote with that of the

Senator from Kennebec, Senator Thomas, who, if he were here, would be voting against indefinite postponement, and I would be voting for it.

The PRESIDENT: The Senator from Androscoggin, Senator Carbonneau, asks leave to pair his vote with that of the Senator from Kennebec, Senator Thomas, who, if he were here, would be voting for the bill, and the Senator from Androscoggin, Senator Carbonneau, would be voting against the bill. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair will restate the question. The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Carbonneau, 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 Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I suppose the easiest regard for the members of this body or for the other body, for anyone serving in the legislature of the State of Maine, is to vote the way he honestly feels is correct. That is a very easy thing to do, and it is something that I feel every member of this body does every single day, without exception. This is not an easy job, however, being in the Senate or being in the House of Representatives, because every once in a while there comes along an issue that it is almost impossible to tell precisely what is right and what is wrong, and that is when it becomes a very difficult position indeed.

There have been many facts, many claims, thrown at each and every one of us for almost a period of four months regarding this particular issue as to the worthwhile aspects of the bill, as to the negative aspects of the bill, as to the great benefits that it will create, as to the many problems that it will create. The benefits are claimed to be benefits to all of the people of the State of Maine. But, Mr. President, the problems that it will create, as far as the claims are concerned, I would submit are problems that would be created as well for all of the people of the State of Maine. And I would say that regardless of how anyone might vote on this particular issue, he or she is going to be criticized, and much of the criticism if not all of the criticism will be thoroughly unfounded and thoroughly unwarranted, because I honestly do believe that every member of this body has tried his and her best to determine and weigh the benefits and the problems regarding this bill and to arrive at a decision which he or she must feel would be in the best interest of the people of this state. I know the charges will be made on both sides that certain special interests have won over or won out on one side or the other, whether they be the interests of those who have an earnest and honest desire, as we all do, to have the litter cleaned from our highways, or whether they be those who have an honest and earnest compassion for the problems that the bill is claimed will create for many of our Maine citizens.

So the problem is to determine exactly what is right with regards to this bill. And as I mentioned, it is almost an impossible task because you have and have had, all of us, for a period of these many months so many conflicting claims and comments made to us regarding this matter. And I

guess when it is all said and done, we asked for this job, we asked for this position, and we asked to be here today to make this decision, and we are just simply going to have to rely upon our own judgment, our own instincts, regarding this matter. And I can honestly say, Mr. President, that I feel personally that this particular bill has presented the most difficult decision that I have had to face in my two terms here in this body, and I think when the vote is cast I will be casting my vote in accordance with my own instinct regarding this matter. And I would simply like to say, Mr. President, that I feel that there must be a better way.

We all know that there are other ways which have been suggested, that are suggested, and are being tried and promoted in other states of this union, and I think that if this matter is defeated today that I know it will be incumbent upon us to accept some of those other methods and to attempt to accomplish the basic objectives of this bill without some of the many objections to it. Thank you, Mr. President.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think I spoke yesterday in certainly enough detail to explain what I want to see happen with this. I think that this is a bill that should go to the people and it deserves to go there. It isn't in that posture at this time. I will cast my vote now and if this comes before us in the future, from the standpoint of having that result attained, it seems to me at this time the best way to do that is to send this bill back in a posture of having been indefinitely postponed, and I will cast my vote in that way.

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

Mr. GRAHAM: Mr. President and Members of the Senate: If I should ever be remembered in this body, please drink to me from a returnable beverage container. I would feel ashamed to go home to my district having voted against this bill. I think it will reduce litter, it will help us forego our foolish habits of throwing things away after we are through with them. No bill that I know of has received more popular support. My mail has been running 10 to 1 in favor of this bill. I urge you to defeat the motion to indefinitely postpone.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Carbonneau, 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 E. Berry, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Graffam, Jackson, Johnston, Marcotte, Merrill, O'Leary, Pray, Roberts, Speers, Wyman.

NAYS: Senators R. Berry, Collins, Corson, Curtis, Graham, Greeley, Hichens, Huber, Katz, McNally, Reeves.

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

A roll call was had. 19 Senators having voted in the affirmative, and nine Senators having voted in the negative, with four

Senators pairing their votes, the Bill and accompanying papers were Indefinitely Postponed.

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

Mr. MARCOTTE: Mr. President, having voted on the prevailing side, I now move that we reconsider and hope you vote against me.

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

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

Non-concurrent Matter

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)

In the Senate May 28, 1975, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

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

Mr. Hichens of York moved that the Senate Recede and Concur.

Mr. Danton of York then moved that the bill be tabled and Specially Assigned for June 3, 1975, pending the motion by Mr. Hichens of York that the Senate Recede and Concur.

On motion by Mr. Hichens of York, a division was had. 14 having voted in the affirmative, and 12 having voted in the negative, the tabling motion prevailed.

Non-concurrent Matter

Bill, "An Act to Provide for a Student Member of the Board of Trustees of the University of Maine and to Delete Certain Obsolete Transitional Provisions from the Statutes Governing Appointment of that Board of Trustees." (S. P. 427) (L. D. 1393)

In the Senate May 27, 1975, the Minority Ought Not to Pass report Read and Accepted.

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-194), in non-concurrence.

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

The PRESIDENT: The Senator has the floor.

Mr. CURTIS: Mr. President, this bill is one which I sponsored initially. It is one which has been debated here before, and the entire bill is contained now in an amendment, S-194, which would provide for a student member of the board of trustees of the University.

The importance of this bill to particularly the students of the University system is great. Very severe and grave decisions are in the process of being made now by the board of trustees of the University. Those decisions will affect the cost of education as well as the policy matters of education at the institutions of higher learning. My bill is designed to provide some input by those consumers, if you will, those students at the University system who are most affected when tuition rates go up, when policy matters are decided by the board of trustees. One vote out of the total number of trustees on the University board is a small, and perhaps some people might say almost token, but I

would suggest important input for the students.

The other factor I would like to suggest is the likelihood, the possibility, that the University system will have collective bargaining in the near future. That is a matter that we will probably be debating in the next few days or weeks in this legislature. And when those decisions are made, if the University system obtains collective bargaining, then there once again will be very important decisions being made by the board of trustees that will affect the cost of education as well as policy matters, and here again it would be helpful to the board of trustees, and I would suggest very important to the students themselves, if there is some input available on the board of trustees.

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

Mr. KATZ: Mr. President and Members of the Senate: I rise in opposition to the motion to recede and concur, and I hope that if the Senate goes along in opposition, the proper motion will be to adhere to the position we took the other day, where overwhelmingly the Senate said it wanted no part of a student trustee on the board of trustees.

I request a division.

The PRESIDENT: A division has been requested. Will all those in favor of the motion that the Senate recede and concur please rise in their places until counted.

A division was had. Nine having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

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 Coach Richard Osgood and the Edward Little Baseball Team Winners for 1974 and 1975 of the Androscoggin Valley Baseball Championship

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. 1645)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications STATE OF MAINE

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

May 29, 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 accepted the "Ought Not to Pass" report of the Committee on Human Resources on Bill "An Act to

Provide for Review and Planning of Human Service Programs by Regional Planning Commission" (H. P. 1186) (L. D. 1477).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Clifford of Androscoggin,

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 Stephen J. Murray of Lewiston, Municipal Assessor for over 27 Years

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 544)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Katz of Kennebec ORDERED, the House concurring, that, pursuant to Public Laws of 1975, chapter 272, section 45, the sum of \$240,104,535 is certified to the Director of the Bureau of Property Taxation as the amount which the Legislature deems reasonably necessary for the support of public education. (S. P. 545)

Which was Read and Passed.

Sent down for concurrence.

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 Appropriating Funds to Maintain the Present Level of Social Services." (H. P. 850) (L. D. 1037)

Bill, "An Act to Provide the State Share of Seed Dollars for Comprehensive Child Care Programs in the State of Maine." (H. P. 830) (L. D. 1013)

Bill, "An Act to Provide for the Distribution of the Proceeds of the Tamano Litigation Settlement." (H. P. 1146) (L. D. 1440)

Bill, "An Act to Allow the Deferral of Monthly Payments of the Uniform School Tax." (H. P. 1616) (L. D. 1896)

Leave to Withdraw

The Committee on Natural Resources on, Bill, "An Act to Provide that Failure of a Municipal Reviewing Authority to Take Action within 30 Days of Receipt of an Application to Subdivide Shall Constitute Approval." (H. P. 1313) (L. D. 1594)

Reports that the same be granted Leave to Withdraw.

Comes from the House; the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on State Government on, Bill, "An Act to Authorize the Leasing of Space in the Cumberland County Building by the Supreme Court." (H. P. 1283) (L. D. 1579)

Reports that the same Ought to Pass.

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

Which report was Read.

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

Mr. SPEERS: Mr. President, I do not intend to make any particular motion regarding this bill, however, I would like to make the comment that I look forward to the day when the Supreme Judicial Court of the State of Maine returns to Augusta where it belongs.

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

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

The Committee on Judiciary on, Bill, "An Act Concerning the Appellate Division of the Supreme Judicial Court." (H. P. 771) (L. D. 942)

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 Business Legislation on, Bill, "An Act Concerning the Coverage of Newborn Children under Certain Health Insurance Policies and under Certain Hospital and Medical Service Organizations." (H. P. 1096) (L. D. 1378)

Reports that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-538).

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

Ought to Pass — As Amended

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

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-507).

The Committee on Business Legislation on, Bill, "An Act to Reinstate the Insurance Premium Finance Company Act." (H. P. 1405) (L. D. 1783)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-513).

The Committee on State Government on, Bill, "An Act Concerning the Filling of the Office of Register of Deeds." (H. P. 856) (L. D. 1070)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-527).

The Committee on Judiciary on, Bill, "An Act Relating to Compensation in Eminent Domain Proceedings." (H. P. 622) (L. D. 769)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-514).

The Committee on Natural Resources

on, Bill, "An Act to Establish the Citizen Woodcutting Act." (H. P. 1228) (L. D. 1754)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-523).

The Committee on Judiciary on, Bill, "An Act to Implement the Recommendations of the Maine Traffic Court Advisory Committee." (H. P. 1158) (L. D. 1812)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-522).

The Committee on Judiciary on, Resolve, Authorizing Charles E. and Nancy Twitchell or Their Legal Representative, to Bring Civil Action Against the State of Maine. (H. P. 1036) (L. D. 1522)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-520).

The Committee on Judiciary on, Bill, "An Act to Provide Compensation to Employees on Wages for Jury Service." (H. P. 1426) (L. D. 1695)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-525).

The Committee on Business Legislation on, Bill, "An Act Relating to the Rebate of Unearned Finance Charges under the Maine Consumer Credit Code." (H. P. 1350) (L. D. 1654)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-512).

The Committee on Veterans and Retirement on, Bill, "An Act Establishing the Termination Date of the Vietnam War for Purposes of Certain Veteran's Benefits Under State Laws." (H. P. 1596) (L. D. 1886)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-493).

The Committee on Judiciary on, Bill, "An Act to Establish a Statute of Limitations with Regard to the Negligence of Design Professionals." (H. P. 889) (L. D. 1064)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-526).

The Committee on Education on, Bill, "An Act Relating to Teacher Certification." (H. P. 1069) (L. D. 1349)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-500).

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

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

The Committee on Health and Institutional Services on, Bill, "An Act to Institute a Fee System for Hospital, Nursing Home and Boarding Home Licenses to Fund Costs of Licensing." (H. P. 1129) (L. D. 1405)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-482).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-509).

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

Amendment "A" were Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Enactors

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

An Act to Clarify the Estimated Premium Tax Law. (S. P. 260) (L. D. 857)

An Act Permitting Certain Graduates of Vocational-Technical Institutes to Take the Journeyman's Examination Given by the Electricians' Examining Board, the Oil Burner Men's Licensing Board or the Plumbers' Examining Board. (S. P. 335) (L. D. 1121)

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

An Act to Increase Exemptions for the Inheritance Tax and to Increase the Inheritance Tax Rate. (H. P. 367) (L. D. 461)

An Act to Provide for Date of Election on Applications for Absentee Voting. (H. P. 796) (L. D. 969)

An Act Appropriating Additional Funds to Provide Matching Funds for State Participation in the United States Department of Commerce Sea Grant Program. (H. P. 923) (L. D. 1140)

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

An Act to Clarify the Mandatory Provisions of the Workmen's Compensation Act with Respect to Farm Laborers. (H. P. 936) (L. D. 1178)

An Act Exempting Machinery and Equipment used for Manufacturing and Research from Sales and Use Tax. (H. P. 1325) (L. D. 1626)

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

An Act to Provide for the Continued Lease of the Restaurant Concession at the Ancient Pemaquid Restoration Site in the Town of Bristol. (H. P. 1416) (L. D. 1718)

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 Facilitate Municipalities in Undertaking Activities Pursuant to the Housing and Community Development Act of 1974. (H. P. 641) (L. D. 813)

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

An Act to Increase Borrowing Capacity of Topsham Sewer District. (H. P. 1568) (L. D. 1873)

An Act to Authorize the Town of St. George to Hold a Special Town Meeting in May, 1975, to Vote on Certain Local Option Questions. (H. P. 1564) (L. D. 1872)

These being emergency measures and having received the affirmative vote of 24 members of the Senate, with one vote in the negative, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act Relating to Retention of Certain Charges by the Register of

Probate of Aroostook County." (H. P. 1056) (L. D. 1340)

Tabled — Earlier in the day by Senator Clifford of Androscoggin.

Pending — Motion of Senator Jackson of Cumberland to recede and concur.

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

((In the House — Passed to be engrossed as amended by House Amendment "A" (H-508) and Committee Amendment "A" (H-312))

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

On further motion by the same Senator, the Senate voted to reconsider its former 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-233, was Read.

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

Mr. CONLEY: Mr. President, I wonder if some member of the Committee on Local and County Government could explain exactly what it does do.

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

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: The Bill, L. D. 1340, was introduced just to include one county into the process which presently Cumberland and Kennebec have where the Registers of Probate do not retain the fees that they receive above and beyond the publishing. We felt as a committee, on the whole, that maybe we should make all the counties in the state uniform so that the registers of probate turn these fees above and beyond the publishing costs in to the county treasurer. We did not put an effective date on it in committee, and the lower chamber amended it to an effective date of July 1, 1977.

It was a unanimous report out of committee that this should include all the counties for the mere fact that at the present time, with Cumberland and Kennebec County the registers of probate not retaining the fees, we felt that the entire system throughout the state, the county system, should be served on the same equal basis. Therefore, that is why the bill had the committee amendment on it, and the House amendment was put on for an effective date.

I would ask for a division on the Senate Amendment to Committee Amendment "A" when the vote is taken.

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

Mr. ROBERTS: Mr. President, I am a good deal like BB Brawn, I guess; I have always been there or done this. It so happens that I have had a term of four years as Register of Probate some 20-odd years ago. At that time all the counties' registers of probate were allowed as they wanted to, and they didn't have to, but they were allowed by statute to file what they do in most counties, a consolidated notice list. When they give that consolidated notice list, they go and make the best deal they can with the paper to publish the notices. By publishing this consolidated list, you

only have to put the heading in at the top of the list and at the bottom of the list so that each notice is shorter than it would be if it had to be by itself, in which case it would have to have the same heading and the same bottom as they do now, plus the judge would have to check each one off and the girls would have to check each one off, instead of having it in a consolidated notice. By doing that, you end up paying more; that is, the attorney does, which in turn is charged to the state or is charged to the heirs, or whoever is going to benefit by the estate, for the additional area that is used up in the paper. This is done and it is quite a convenience both to the lawyers, it saves actually the state's money, and so on.

About maybe five or six years ago — and I don't know the occasion that brought it about, but the Counties of Kennebec and Penobscot county commissioners got together with the registers and decided to increase the registers' salaries enough to offset these figures and to have the fees turned in by the register to those counties, and for several years it went along on that basis. Then last year when I was Chairman of County Government, we had a situation that arose in Cumberland County whereby we had a new register in Cumberland County, and he apparently wasn't aware of what was going on, and he wasn't told of what was going on, and as a consequence they decided arbitrarily, the county commissioners, to raise his salary there in the County of Cumberland by approximately, as I remember, a thousand dollars, and to take away his fees which are worth about \$3,000. Well, when he found out what had happened he was quite upset, but in the meantime he caused other waves down there in the county and, as a result, that is the way it was. I believe he brought a bill in this term to try to get his fees back.

The only thing that I am going to argue against on this is simply that if you are going to do this then you certainly should give the county commissioners and the registers a chance to find out, No. 1, how much this amounts to, because in my county years ago it amounted to maybe \$1500 or \$1800. I am sure it amounts to more than that now. In some counties I don't think it amounts to \$300. So it varies a lot county by county, and I would hope that it would be done only through the county commissioners getting together with the registers in their specific counties and saying, all right, what are the fees and what do they amount to, and then trying to arrange their salary increase to offset those fees. If that were done, fine, but when you try to do it blanketwise, it varies so much from county to county, and the systems vary, that I think you are asking for problems. I will admit that you have here an amendment which postpones it for a year or until January 1, 1977, I believe, but I still think that it should be done by each county because it varies so much from county to county.

I hope you vote to indefinitely postpone this and the amendments because the only thing that is in the amendment that the good Senator from Androscoggin is offering, Senator Clifford, is to take the County of Androscoggin out from under this, and I would be tempted to do the same thing for the county of York.

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

Mr. JACKSON: Mr. President and Members of the Senate: This is why the

House Amendment was put on. The effective date is July 1, 1977, and it was put on for the fact that the commissioners could get together with the newly elected or the old registers of probate, if they succeed, so that they could work something out that would be compatible for the salaries in lieu of the fees, which to me, it seems genuine, and the fact that some registers get considerably more than other registers, they vary from about \$5,400 or \$5,700 to, I think the highest one was \$10,700. Of course, we realize that some of these counties have a greater work load than other counties, and if you remember, earlier in the session we passed a joint order — and I believe it is on the Legislative Council Table, to study the salaries of county officials. And should this one survive the test, I just feel that the bill is a good bill and I think it is uniform. And I feel that the 16 counties throughout the state should all operate on the same principle as far as the register of probate goes, maybe not salarywise, but by the same tools. Therefore, I would oppose any motion to indefinitely postpone this bill.

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

Mr. CARBONEAU: Mr. President, I wonder if I could have the Secretary read the committee report?

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Committee on Local and County Government, to which was referred the bill, "AN Act Relating to Retention of Certain Charges by the Register of Probate of Aroostook County," House Paper 1056, Legislative Document 1340, have had the same under consideration and ask leave to report that the same ought to pass, as amended.

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

Mr. CONLEY: Mr. President, would the Secretary read the filing number of the committee report?

The PRESIDENT: The Secretary will read the filing number of the committee report.

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, to answer that, I think the filing number of the Committee Amendment is 312. I would like to pose a question to the Chair. Is the pending motion at this time the adoption of Senate Amendment "A"?

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "A" to Committee Amendment "A".

Mr. CORSON: Would a motion to indefinitely postpone Committee Amendment "A" be in order at this time?

The PRESIDENT: The Chair would suggest in the negative because that matter is not before the body at this point.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

House Reports — from the Committee on State Government — Resolution, "Proposing an Amendment to the Constitution to Provide for Single Member

Districts in the House of Representatives; Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1984; and to Establish an Apportionment Commission to Plan for All Apportionments of the House of Representatives and Senate." (H. P. 738) (L. D. 919) Majority Report — Ought to Pass in New Draft under New Title of: Resolution, "Proposing an Amendment to the Constitution to Provide for Reduction of the Number of Representatives in 1985, to Establish the Number of Senators at Thirty-three in 1985 and to Change the Date of Convening of the Legislature." (H. P. 1587) (L. D. 1883); Minority Report — Ought Not to Pass.

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

Pending — Acceptance of Either Report. (In the House — Bill and Accompanying Papers Indefinitely Postponed.)

On motion by Mr. Speers of Kennebec, retabled pending Acceptance of Either Report.

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

Senate Reports — from the Committee on Natural Resources — Bill, "An Act Relating to Environmental Controls and the Sardine Industry." (S. P. 471) (L. D. 1605) Majority Report — Ought to Pass in New Draft and Under New Title of: "An Act Relating to Environmental Controls."; Minority Report — Ought Not to Pass.

Tabled — Earlier in the day by Senator Wyman of Washington.

Pending — Motion of Senator Trotzky of Penobscot to accept the Minority Ought Not to Pass Report.

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

Mr. WYMAN: Mr. President and Members of the Senate: I am preparing an amendment which I think will take care of all the important objections which the good Senator from Penobscot had this morning, and I would appreciate it if this could be tabled until tomorrow.

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

Mr. Johnston of Aroostook moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Trotzky of Penobscot to Accept the Minority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Trotzky of Penobscot, a division was had. 14 having voted in the affirmative, and 13 having voted in the negative, the tabling motion prevailed.

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

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

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed)

On motion by Mr. Speers of Kennebec, the Bill and accompanying papers were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the

fifth tabled and Specially Assigned matter:

Bill, "An Act Relating to Weekly Compensation Paid under the Workmen's Compensation Law." (S. P. 226) (L. D. 758)

Tabled — Earlier in the day by Senator Conley of Cumberland.

Pending — Adoption of Senate Amendment "A" (S-223) to Committee Amendment "A" (S-118).

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

Sent down for concurrence.

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

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)

Tabled — Earlier in the Day by Senator Cummings of Penobscot.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by House Amendment "A" (H-475).)

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

On motion by Mrs. Cummings of Penobscot, the Senate voted to reconsider its former action whereby House Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-227, was Read.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I must rise to oppose this amendment. It seriously weakens the bill. The rates that a public utility is allowed to charge are determined by its expenses, the costs that it incurs in producing electricity or whatever it is that it sells to the public. This bill prohibits utilities from including in these costs any advertising that promotes sales or glorifies the company's image. The amendment would permit such advertising.

Why should you and I have to pay for being brainwashed by the utilities? If a public utility wants to brainwash us, sure, let them do it on their own profits, but don't let them get the money by raising the rates we have to pay. Why should you and I have to pay higher electricity rates, for instance, so that a power company can tell us what a fine company they are, how fair their rates are, which this amendment would allow? Nor should they be able to promote sales at our expense. As a nation, we don't need to be told how to squander energy but how to save it.

But these two types of advertising are not prohibited by this bill. The utility companies can advertise all they want, but they cannot and should not use such advertising as an excuse for raising their rates.

I move the indefinite postponement of this amendment.

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

Mrs. CUMMINGS: Mr. President, in the last hearing before the Public Utilities

Commission, the Central Maine Power Company was commended for their insert in their bills, "The Lamplighter", and it was decided by the PUC at that time, under the present chairman, that this was an excellent way of education, as far as the customers were concerned, as to why their rates were going up. I think they figured that the ratepayers were going to be irritated beyond words and that perhaps there would be some method of at least telling them why the rates were going up so that the wrath would not descend on the, at this particular moment, undeserving head of that particular utility.

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

Mr. CONLEY: Mr. President, I would pose a question, if I may, to the good Senator from Penobscot, Senator Cummings. It is my understanding that this bill came from committee with a unanimous committee report, and I wonder if perhaps this amendment might have been considered at the time of the hearing?

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

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, this particular part of the thing was discussed, and it wasn't until we heard from the Public Utilities Commission that they approved of "The Lamplighter" that it was decided to put this in. This is done with the approval of the sponsor of the bill.

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

Mr. CONLEY: Mr. President and Members of the Senate: I honestly believe this legislation without amendments is one of the most fairminded bills to come before us in this session. It certainly does not limit advertising. All it does is address the question of who shall pay for advertising in the case of a regulated public utility.

If the utility wants to run ads or print ads which are a genuine service to the consumer, then this legislation would continue to permit a share of the cost of these ads to be borne by the consumer. Only in the instance of the very self-serving institutional ads are we saying you can run all the ads you want, but don't expect the PUC to pass the cost of these ads on to the consumer of your product.

From Mobil Oil to Purina Cat Chow lots of firms run institutional ads or promotional ads, and the cost is, of course, ultimately paid by the consumer. But there is an important difference: if you don't like the product or the ad, or the cost of the product, you don't have to buy it. But if you don't like watching Bill Russell talk about how great it is to use the telephone, or if you already know who is going to be there when you flip the switch, you can't go out and subscribe to a different phone company or power company; you are stuck with what you have got. And guess what, you just paid for their ad.

It seems to me that if the utilities really want to make people happy, they can provide ads which explain how best to use their product. Many of these ads already exist, tips on saving energy or taking advantage of new rates.

As I said, there is nothing in this bill which prevents consumers from paying for those ads which are of genuine service to the consumer. And I don't think it would

take much advertising genius to write an ad which is of genuine consumer service and also makes people think that the utility company wears a white hat. But what consumers have a right to object to is the pure self-serving ad for a utility company, an ad which they are paying for.

Mr. President, I hope that the Senate would defeat Senate Amendment "A".

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

Mr. KATZ: Mr. President, although I have listened intently, I must confess I don't understand. With this amendment indefinitely postponed, would "The Lamplighter" be permitted to be circulated and charged off as an expense?

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 Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: Yes.

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

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

A division was had. 10 having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

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

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I don't think that one of the real issues involved in this has been addressed, and I don't have the answer to it but I would like to raise it, and that is that in certain instances it seems to me that a utility actually is in a competitive situation, that is, where it may be competing with another utility. For example, the competition which exists between electrical companies and natural gas or bottled gas companies, and also the situation that exists between electrical companies and oil, for example, in heating. And I wonder if it is not a legitimate expense of a public utility to advertise in these areas when in the long run the advertisement might result in more customers and lower rates per customer.

I just think when you think of a utility you think of a non-competitive situation, which is true in many instances, but it also is true that the utilities compete with one another and they compete with other private non-regulated industries such as oil for certain of their business, and it bothers me that this will not allow the utility to charge that to the rates because advertising in business generally is a legitimate expense which is part of doing business. I just pose that. I don't have the answer, but it seems to me that it is dangerous to begin limiting the utilities in advertising when, in fact, in certain instances they are in a competitive situation with other utilities.

The PRESIDENT: Is it now the pleasure

of the Senate that this bill be passed to be engrossed?

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

Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 12:30 o'clock tomorrow afternoon.