

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Friday, May 30, 1975

Senate called to order by the President.
Prayer by the Honorable Robert W. Clifford of Lewiston:

God of all people, as we enter the closing days of this legislative session with warming weather and intensified feelings, help us to keep perspective, help us to remember the seriousness of our duty, the uniqueness of our opportunity to serve our fellow citizens. We thank you for this opportunity. Help us to be worthy of it. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

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

In the House May 21, 1975, referred to the Committee on Taxation and Ordered Printed.

In the Senate May 22, 1975, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

On motion by Mr. Katz of Kennebec, a division was had. 11 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

Thereupon, the motion did not prevail.

Non-concurrent Matter

Bill, "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools." (S. P. 476) (L. D. 1609)

In the Senate May 15, 1975, Passed to be Engrossed.

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

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

Thereupon, on further motion by the same Senator, tabled and Specially Assigned for June 3, 1975, pending Passage to be Engrossed.

Non-concurrent Matter

Bill, "An Act Relating to Certain Overtime Exemptions Under Minimum Wage Law." (H. P. 401) (L. D. 490)

In the House May 20, 1975, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-393).

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

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

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

Non-concurrent Matter

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

In the Senate May 20, 1975, Passed to be Engrossed.

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

Mr. Huber of Cumberland moved that the Senate Adhere.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

On motion by Mr. Conley of Cumberland, a division was had. 14 having voted in the affirmative, and 13 having voted in the negative, the Senate voted to Adhere.

Non-concurrent Matter

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

In the House May 23, 1975, Passed to be Enacted.

In the Senate May 27, 1975, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

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

Mr. CIANCHETTE: Mr. President, a parliamentary inquiry please: if we recede and concur with the House, what posture does that put the bill in?

The PRESIDENT: The Chair would advise the Senator that the bill would then be in the posture of being passed to be enacted.

Mr. CIANCHETTE: Mr. President, if this bill is passed to be enacted, it will say that corporations in the State of Maine will pay their excise taxes on their motor vehicles in those towns where the vehicles are normally kept.

I would just like to repeat a little bit of what I said before here. I have talked with the Director of Motor Vehicles, Charles Wyman. I have talked with John Salisbury of the Maine Municipal Association. When I served as a selectman in the Town of Pittsfield, I was very much involved with the excise taxes, and in business have been very much involved in excise taxes. I think I know something about it. I think I know how it works out there in the real world. Believe me, Charles Wyman says it, John Salisbury says it, and I say it, we are going to be creating one heck of a mess and we are going to open up a bidding process for excise taxes. I understand the arguments that say if there is anything illegal in the excise tax collection system, then it should be reported and the attorney general should do something about it. Well, it is going on all over the state right now in a little different form, but it is happening, and nobody is doing anything about it. It is costing collectively the people money. Corporations are getting away without paying their fair share, and they are not all paying alike as the law says they should. If that is wrong, then why isn't somebody doing something about that?

The facts are that these corporations that have vehicles scattered around the state will be in a position to find out which towns will use them the best when it comes to excising their vehicles. There are supposed to be standards, there are supposed to be forms, but it takes individual judgment to determine what year the vehicle is, what model it is, how many accessories it has, and it amounts to a lot of dollars. I just know that there are people who are going to try to take advantage of this law, and they are going

to open up a bidding process, in effect, very quiet and without advertising, of course, but they are going to be going around, and in an effort to remain competitive probably all corporations will have to start doing it that have any amount of vehicles.

The people of the State of Maine in total are going to be the losers, now that is a fact. And we are passing this bill because there are a few towns now in the state that feel they are not getting their fair share, and I can't deny that. That is true. That is true. But that is a small inequity compared to the inequities that we are going to have if we pass this law.

I would request that you vote against the motion to recede and concur.

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

Mr. CURTIS: Mr. President and Members of the Senate: This is a bill which has been debated extensively previously. It is a bill to provide in the payment of excise taxes among municipalities and provide equity between those corporations which are foreign, that is, registered in other states, and those which are domestic. It would provide the same standards to both of them.

I too have talked to Mr. Wyman and Mr. Salisbury, and I didn't hear the same things that the gentleman from Somerset apparently heard. I know that the Maine Municipal Association is not taking a stand on this bill, especially since there are municipalities that would be benefitted and there would be municipalities which would lose some revenue. I think that Mr. Salisbury is concerned with the equities of the present situation. I supposed it is entirely possible that we can still work out something in this bill which would prevent the problems which the gentleman from Somerset, Senator Cianchette, has described, and which would still solve the basic inequitable problems which I have commented upon. For that reason, before we finally decide upon this issue, I think it might be appropriate if somebody would be willing to table this matter for a day.

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

Mr. KATZ: Mr. President, we have debated this so many times that I hope we dispose of it once and for all today. I think the issues are very, very clear and any further debate is just going to try our patience. On that basis, I request a division.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: When this bill first came into the chamber I inquired of the treasurer or the tax collector of the City of Lewiston as to what his opinion was on the bill. He said that if the bill was passed in all likelihood the City of Lewiston would perhaps realize a slight increase because of the number of terminals that we have in Lewiston, from corporations whose home base is not in Lewiston. But he said to me, "If you want my opinion on the bill," he said, "I think it would really create an administrative nightmare." He said, "I don't think the gains would be worth the inequities and the searching around which it would create." So I would hope that you would vote against the motion to recede and concur, and dispose of this matter which has certainly been more than adequately debated in the Senate. Thank you Mr. President.

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

Mr. CIANCHETTE: Mr. President, I would like to clear up one thing to protect my integrity perhaps. I did talk with John Salisbury, and John Salisbury said that the Maine Municipal Association has taken no stand on this for the very reasons that the Senator from Penobscot, Senator Curtis, said, but he said in his own mind that this would create a bidding process and that the state would collectively be the loser. That is almost a direct quote.

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

Mr. CURTIS: Mr. President, I don't want to try the Senate's patience in this matter, but since we are going to decide it now, I wish that the members of the Senate would look at the law itself, it is L. D. 1018, and it is in the book of enactors. You will see that the change that is provided in the first paragraph simply provides the same standards to be applied to domestic corporations as we presently apply to foreign corporations. I haven't heard anyone give examples or explanations of administrative nightmares in the excising of motor vehicles belonging to foreign corporations which are doing business in the State of Maine.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion that the Senate recede and concur with the House. A division has been requested. Will all those Senators in favor of the motion to recede and concur please rise in their places until counted.

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

The PRESIDENT: 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 Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I hope that the Senate isn't about to reverse itself again on this important issue. I really think that the Senate has provided a responsible input into this situation when in the past it decided to kill this legislation, and I think we can save a lot of problems for our towns if we put this bill to rest right now.

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

Mr. TROTZKY: Mr. President, I request leave to pair my vote with Senator Collins of Knox, who would be voting to recede and concur, and I would be voting against the motion.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, asks leave to pair his vote with that of the Senator from Knox, Senator Collins, who, if he were here, would be voting to recede and concur and the Senator from Penobscot, Senator Trotzky, would be voting against the motion. Is this the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. Conley of Cumberland then moved

that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Curtis of Penobscot to Recede and Concur.

Thereupon, on motion by Mr. Speers of Kennebec, a division was had. 16 having voted in the affirmative, and 15 having voted in the negative, the motion prevailed.

Communications

STATE OF MAINE

One Hundred and Seventh Legislature
Committee on Human Resources

May 29, 1975

Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine 04330

Dear Sir:

The Committee on Human Resources is pleased to report the completion of that business of the 107th Legislature that was placed before this committee.

Total Number of Bills Received	23
Ought to Pass in New Draft	3
Ought Not to Pass	1
Ought to Pass as Amended	5
Ought to Pass	2
Divided	5
Divided in New Draft	2
Leave to Withdraw	5
Referred to Another Committee	—

Respectfully Submitted,

Signed:

BENNETT D. KATZ

Senate Chairman

Which was Read and Ordered Placed on File.

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 Majority "Ought Not to Pass" report of the Committee on Marine Resources on Bill "An Act Relating to the Sale of Crawfish." (S. P. 104) (L. D. 359)

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

ANSWER OF THE JUSTICES

To the Honorable Senate of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answer to the questions propounded on May 15, 1975.

Question No. I: Would Senate Paper 84, if enacted, modify the existing law of the State of Maine as it related to the candidate for whom a vote would be counted if said cross or check was placed in the blank square below the candidates' names?

Question No. II: Would Senate Amendment "A" to Senate Paper 84, if enacted, modify the existing law of the State of Maine as it relates to the mandatory requirement of the Maine Revised Statutes, Title 21, section 922 that,

in order for a vote to be effective, the cross or check mark must be placed in the square to the left of the nominee's name?

Question No. III: If the answer to question 2 is in the affirmative, in what manner would such amendment modify the existing law of the State of Maine under which the Legislature has prescribed the manner of marking the ballot which directions must be followed if the voter wishes his vote to be counted?

Answer: The Justices of the Supreme Judicial Court of Maine, and each of them, possess only those powers which are granted them expressly or by necessary implication by Article VI, Sec. 3, of the Constitution of Maine.

The authority to give opinions when requested to do so by the Governor, or either branch of the Legislature, is by the terms of Article VI, Sec. 3, limited to "important questions of law and upon solemn occasions."

This limitation on the power of the Justices has often been reviewed by this Court. See for example, Opinion of the Justices, 95 Me. 564, 51 A. 224 (1901) and Opinion of the Justices, 147 Me. 410, 105 A.2d 454 (1952). In Massachusetts and New Hampshire where a similar constitutional provision exists, those Courts have also had occasion to discuss such limitation. Opinion of the Justices, 126 Mass. 557 (1878); Answer of the Justices, 148 Mass. 623, 21 N.E. 439 (1889); Opinion of the Justices, 56 N.H. 574 (1875) and Opinion of the Justices, 67 N. H. 600, 43 A. 1074 (1892). The conclusions reached by the Justices of all three Courts are the same.

Before undertaking to answer any request for an advisory opinion from either the Governor, the House of Representatives or the Senate, we, the Justices to whom such request is addressed, must first determine whether we have the right to answer the question submitted. To do this we must always determine whether "a solemn occasion exists." Opinion of the Justices, Me., 281 A.2d 321 at 323 (1971).

The three questions now before us for consideration relate either to Legislative Document No. 255 or the Senate Amendment "A" to Legislative Document No. 255.

Legislative Document No. 255 contains a statement of fact reading as follows:

"The purpose of this Bill is to clarify the counting procedures for ballots containing improper write-in votes."

Senate Amendment "A" to Legislative Document No. 255 contains as a statement of fact:

"This amendment clarifies existing law, which law was placed in an ambiguous position as the result of an erroneous opinion of the Attorney General."

The first two questions asked related to the extent, if any, the existing law (21 M.R.S.A. 922) would be modified by the proposed statutes.

The third question is of the same tenor.

We are not asked any question concerning Legislative Document No. 255 or Senate Amendment "A" to Legislative Document No. 255, as such, but only as to their potential relationship to a statute already effective as law (21 M.R.S.A. 922) and specifically addressed to the meaning of that statute. We conclude the effect of the questions is merely to ask us to interpret 21 M.R.S.A. 922.

We regret we have come to the conclusion there is no "solemn occasion" and we are, therefore, not authorized by the Constitution to answer the questions

asked in an advisory opinion. See Opinion of the Justices, 153 Me. 216, 136 A.2d 508, 510 (1957).

In 1889 the Justices of the Supreme Judicial Court of Massachusetts were asked by the House of Representatives to interpret an existing statute. Answer of the Justices, 148 Mass. 623, 21 N.E. 439 (1889).

On that occasion the Justices said:

"There is no doubt whatever as to the power of the House to pass any bill, within the limits of the Constitution, which it sees fit, in amendment or alteration of these sections. Our opinion, if given, would not in any way affect the power of the House to repeal these sections, or to amend them, or declare the meaning of them, if there is doubt about the meaning. Whatever it might be, the House might still think that it was its duty to make such changes as a majority of its members think are necessary, in order that the intention of the Legislature should be clearly expressed.

"The only exigency which seems to exist for requiring our opinion is that members of the House differ in their views as to the construction of the statute, and, if our opinion is given, it may affect the views of some members as to the necessity or propriety of amending it. As we have before said, this is not an unusual exigency, and does not create or present a solemn occasion within the fair meaning of the Constitution, so that we can properly give an ex parte opinion upon the construction of the statute in question." 148 Mass. at 627.

The situation before us is almost identical to that before the Justices of the Massachusetts Supreme Judicial Court described above. There, as here, the power of the legislative body to pass the proposed bill was not in question. The doubt entertained by members of the legislative body related only to the proper interpretation of an existing statute.

From the questions submitted to us, it appears there is some disagreement among the members of the Legislature as to the correct interpretation of 21 M.R.S.A. 922 occasioned doubtless by an Inter-departmental Memorandum of the Attorney General.

To answer the questions submitted would require us to disregard the limitations expressly placed on our authority by Sec. 3, Article VI, of the Constitution of Maine.

This we cannot do.

Dated at Portland, Maine, this twenty-ninth day of May, 1975.

Respectfully submitted:

Signed:

ARMANDA A. DUFRESNE, JR.
 RANDOLPH A. WEATHERBEE
 CHARLES A. POMEROY
 SIDNEY W. WERNICK
 JAMES P. ARCHIBALD
 THOMAS E. DELAHANTY

Which was Read and Ordered Placed on File.

**Committee Reports
 House
 Ought to Pass**

The Committee on Local and County Government on, Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-Five and Nineteen Hundred and Seventy-Six. (H. P. 1636) (L. D. 1904)

Reported pursuant to Joint Order (H. P. 1227) that the same Ought to Pass.

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

Which report was Read and Accepted in

concurrence, the Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Natural Resources on, Bill, "An Act Relating to the Dredging, Filling or Otherwise Altering Coastal Wetlands." (H. P. 590) (L. D. 730)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-354).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "B" (H-554) Thereto.

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

Thereupon, on motion by Mr. Corson of Somerset, tabled and Tomorrow Assigned, pending Adoption of House Amendment "B" to Committee Amendment "A".

The Committee on Performance Audit, Bill, "An Act Relating to Verifying Facts Supporting the Eligibility of Applicants for Aid for Families with Dependent Children." (H. P. 1467) (L. D. 1726)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-419).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "C" (H-532) Thereto.

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

Divided Report

The Majority of the Committee on Agriculture on, Bill, "An Act to Repeal Milk Control Prices at the Retail Level." (H. P. 208) (L. D. 267)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-471).

Signed:

Senators:

HICHENS of York
 JACKSON of Cumberland
 JOHNSTON of Aroostook

Representatives:

MAHANY of Easton
 ROLLINS of East Dixfield
 ALBERT of Limestone
 HALL of Dover-Foxcroft
 TORREY of Auburn
 TEAGUE of Fairfield
 DYER of South Portland

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

Signed:

Representatives:

BERRY of Buxton
 WILFONG of Stow

(Representative Carroll of Limerick — Abstaining)

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act to Increase Accidental Death Benefits Paid to Firemen, Policemen, Wardens and State Police." (H. P. 1456) (L. D. 1747)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
 O'LEARY of Oxford

Representatives:

NADEAU of Sanford
 LEONARD of Woolwich
 KELLEY of Machias
 THERIAULT of Rumford
 CURTIS of Rockland
 LAVERTY of Millinocket
 MORTON of Farmington

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-519).

Signed:

Representatives:

MacEACHERN of Lincoln
 USHER of Westbrook
 POWELL of Wallagrass Pt.

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

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Establish the Death Penalty for any Person who Murders a Police Officer while Committing a Felony." (H. P. 1383) (L. D. 1698)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
 CLIFFORD of Androscoggin
 MERRILL of Cumberland

Representatives:

SPENCER of Standish
 MISKAVAGE of Augusta
 PERKINS of South Portland
 BENNETT of Caribou
 HUGHES of Auburn
 HENDERSON of Bangor
 GAUTHIER of Sanford
 HOBBS of Saco

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-521).

Signed:

Representatives:

McMAHON of Kennebec
 HEWES of Cape Elizabeth

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.

Senate

Leave to Withdraw

Mr. Roberts for the Committee on Energy on, Bill, "An Act Reorganizing the State Energy Capability." (S. P. 258) (L. D. 834)

Reported that the same be granted Leave to Withdraw.

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

Ought to Pass — As Amended

Mr. Curtis for the Committee on State

Government on, Bill, "An Act to Create a Construction Loan Program in which the Maine Housing Authority and Financial Institutions May Participate." (S. P. 192) (L. D. 660)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-234).

Mr. Jackson for the Committee on Local and County Government on Bill, "An Act to Clarify the Laws Relating to Municipalities." (S. P. 236) (L. D. 815)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-231)

Mr. O'Leary for the Committee on Natural Resources on, Bill, "An Act to Clarify the Municipal Regulation of Land Subdivision Law." (S. P. 465) (L. D. 1518)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-230).

Mr. Berry for the Committee on Education on, Bill, "An Act Relating to School Administrative District No. 53." (S. P. 526) (L. D. 1891)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-226).

Mr. O'Leary for the Committee on Veterans and Retirement on, Bill, "An Act Relating to Membership of the Board of Trustees of the Maine State Retirement System." (S. P. 282) (L. D. 996)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-228).

Mr. Collins for the Committee on Veterans and Retirement on, Bill, "An Act to Amend Certain Eligibility Dates for the Pay Adjustment Granted to Certain State Employees and Officers." (S. P. 412) (L. D. 1311)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-229).

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

Ought to Pass in New Draft

Mr. Gahagan for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Current Service Appropriations from the General Fund for Expenditures of State Government for the Fiscal Year Ending June 30, 1976 and June 30, 1977." (S. P. 232) (L. D. 805)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 546) (L. D. 1909)

Which report was Read.

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

Mr. HUBER: Mr. President and Members of the Senate: L. D. 1909 is the Part I Appropriations Act. I know none of you have had a chance to study this in detail yet. The net result of this act would be that we would have unallocated funds in the amount of about five and a half million dollars. This is a comparable figure to the 3.3 million dollars that we estimated to have available when we were discussing L. D. 1452 in joint caucus. The 5.5 million dollars balance again assumes passage of the 7 million dollar one-time moving forward of the corporate income tax payment.

In this budget we have tried to provide for the programs or many of the programs that were eliminated in the Governor's budget, including adult education, funding

of the vocational technical institutes, day care, aid to charitable institutions, student aid grants to the University, the Indian housing authorities, and a provision in the amount of \$700,000 to provide for those who would be severely affected by the new method of calculating AFDC payments.

We have also tried to adequately fund the smaller programs that would have been severely affected by the mechanical cuts in the Governor's budget.

I would at this time like to point out two typographical errors in the bill: one on page 7, under Bureau of Taxation, "All Other" in the first year of the biennium should read \$588,346, and the second year should read \$588,346. Also, on page 24 there is another typographical error. In the final line on the page, the grand total should read for the second year of the biennium 31 million dollars instead of the 30 million dollars as shown on the printed document.

I hope we can act on this bill and send it forthwith to the other body so that members of both bodies will have this bill before them to study over the weekend.

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

Mr. CONLEY: Mr. President and Members of the Senate: First, I would like to extend my congratulations to the members of the Appropriations Committee for getting this document before us. I know that particularly this year it must have been extremely difficult in working with the budget, and I know honestly from my past experience as a member of that committee that to try to get a unanimous committee report out of the Appropriations Committee takes a lot of hard work on the part of all ten members.

I am going to concur with the Chairman of the Appropriations Committee this morning and would ask the Senate, under suspension of the rules, to give this budget its second reading at this time so that it can go down to the other body.

I would also like the Senate to know that the Appropriations Committee is also currently working on a supplemental budget that will take care of many of the programs that are not currently being funded under the Part I Budget. And again I want to offer my congratulations to the three members of the Senate who worked so diligently on this budget.

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

Mr. HUBER: One further thing I would like to point out on this, Mr. President, is that you will notice — and it may raise some questions immediately — the total amount in this appropriation act is 444 million dollars, versus the Governor's 703 million dollars. This isn't because we simply thought the Governor had a good idea and wanted to go one better, but the funding for education is under L. D. 1452, and this accounts for the discrepancy and the considerably lower figure in this document.

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

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted and the Bill in New Draft Read Once. Under suspension of the rules, the Bill was then given its Second Reading and Passed to be Engrossed.

Under further suspension of the rules, sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Amend the Maine Housing Authorities Act by Creating a Loans-to-Lenders Program and Making Changes to Improve the Efficiency of Using Federal Housing Funds." (S. P. 286) (L. D. 1002)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-235).

Signed:

Senators:

CURTIS of Penobscot
GRAHAM of Cumberland

Representatives:

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

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

Signed:

Senator:

WYMAN of Washington

Representative:

FARNHAM of Hampden

Which reports were Read.

Thereupon, on motion by Mr. Curtis of Penobscot, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Clarify Certain Provisions of the Tax Lien Law." (S. P. 373) (L. D. 1200)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-203).

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland
MERRILL of Cumberland

Representatives:

COX of Brewer
MORTON of Farmington
DRIGOTAS of Auburn
SUSI of Pittsfield
MULKERN of Portland
DAM of Skowhegan

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

Signed:

Representatives:

MAXWELL of Jay
TWITCHELL of Norway
IMMONEN of West Paris
FINEMORE of Bridgewater

Which reports were Read.

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

Second Readers

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

House

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

Bill, "An Act to Authorize the Leasing of Space in the Cumberland County Building

by the Supreme Judicial Court." (H. P. 1283) (L. D. 1579).

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

House — As Amended

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

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

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

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

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

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

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

Bill, "An Act Establishing the Termination Date of the Viet Nam War for Purposes of Certain Veteran's Benefits under State Laws." (H. P. 1596) (L. D. 1886)

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)

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

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

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

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

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

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)

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)

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

Bill, "An Act to Establish the Citizen Woodcutting Act." (H. P. 1228) (L. D. 1754) Which was Read a Second Time.

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

Mr. CURTIS: Mr. President, I would like to pose a question through the Chair to any member of the Senate who might be willing to explain this L. D. 1754. In particular, I would be interested in two parts of it. One has to do with page 2 of the bill, section 1804, regarding the limitation on healthy wood to be cut, and the second part, other wood. I would be interested in

finding out what would happen to any Dutch Elm trees that might be on state owned land, or would they be permitted to be cut? And the other thing I would be very interested in, in particular, as well as a general explanation of the bill, would be exactly how the handling of the fees would be arranged.

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

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. Reeves of Kennebec moved that the Bill be tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Thereupon, on motion by Mr. Speers of Kennebec, a division was had, 12 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

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

Mr. CURTIS: Mr. President, I did ask some questions and I would appreciate some answers. I notice that the sponsor of the bill is not a member of this body, but there must be somebody else who would be familiar with the bill. If not, I am not sure we should enact it, but there must be somebody with some answers.

The PRESIDENT: The Chair would advise the Senator that the bill is not in the posture of being enacted. It is in the posture of passage to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I notice by the bill that it was sent by the Reference of Bills Committee to the Natural Resources Committee. I also notice that the bill has an emergency preamble, if it has not been amended up to this time, and I am not sure. But it was obvious, at least to me, that the reason for trying to table it for one day was to give someone a chance to attempt to come up with some answers. And with the emergency preamble on it, I would assume that someone would come up with some very fast answers by the time it gets back to this body again.

The PRESIDENT: Is the Senate ready for the question?

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

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

Which was Read a Second Time.

On motion by Mr. Trotzky 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-239, to House Amendment "A" was Read.

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

Mr. O'LEARY: Mr. President, I would move indefinite postponement of this amendment. This amendment is designed to do just one thing, to emasculate the bill, so let's not accept it.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that Senate Amendment "A" to House Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: I spoke on this bill yesterday and I don't want to prolong it too much, but I feel I have a certain responsibility. This bill as is, I believe, is a bad bill. What it does is remove completely from all our air quality laws the cone burner. And essentially what the bill says is that the DEP has no jurisdiction over cone burners on air emissions, no matter how bad they may be, even if they endanger the health and human welfare of the citizens of the communities.

Now, I passed out some copies yesterday of some letters from the DEP and copies of the air law. Now, the amendment itself states that cone burners shall be permitted provided, No. 1, that the public health, safety and welfare are not adversely affected by the emissions of this type of unit. I think that is only fact. Secondly, what standards does the DEP have to go by, and the second part of the amendment states, "In determining the effect on the public health, safety and welfare, the DEP shall be limited to the standards set forth in section 484 and section 584A", and these are our air laws, which state, for example, that the particulate matter concentration in any 24 hour period at any location shall not exceed 100 micrograms per cubic meter.

Now, there are a whole bunch of standards here and we have agreed to these under the clean air act of 1970 with the federal government, so these are agreements the state has. These concentrations are not measured in the dump. They are measured outside of the dump, beyond the border line of the dump. So I feel that if we are going to pass a bill like this, I feel that at least we should clean it up. This is not an attempt to emasculate the bill.

Now, if some of you have read the letter that I passed out here yesterday from the DEP, I requested information on what has happened to some of the cone burners that some of our communities have been using in the state. As just an example, there have been six of them and four of them have failed miserably. As an example of it, Madison bought its incinerator for \$25,000 in '68, and the first day it operated incorrectly and burned out the screen on the top. Later they burned out the forced draft blower. And it goes on and on with a whole bunch of things showing that these have failed. But if we are going to pass this law, at least I feel we should be in compliance with our laws here. I think it is the only responsible way that we can pass a bill such as this.

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

Mr. SPEERS: Mr. President, I really must agree with the comments of the Senator from Penobscot, Senator Trotzky. It seems to me, and I hope that I understand this bill correctly, that the bill is not outlawing cone burners nor is the Department of Environmental Protection outlawing cone burners. In fact, this Senate Amendment to the House Amendment makes it clear that cone burners are indeed permissible. However, it does seem to me that unless we are going to completely ignore environmental laws which have been enacted and which are applicable to industry and to other areas and to other facets of air pollution that it is only fair that cone burners also should be submitted to that kind of control. Now, this

does not outlaw them, but it does say that they have got to ensure that they operate within the same kind of parameters as all other operations in the State of Maine, whether it be by municipalities or by industry or by whatever.

So I would urge the Senate to vote against the motion to indefinitely postpone and to accept this Senate Amendment to the House Amendment, which seems to me to be an improvement over the whole situation.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that the Senate indefinitely postpone Senate Amendment "A".

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

Mr. O'LEARY: Mr. President and Members of the Senate: If you listened carefully, the good Senator from Penobscot, Senator Trotzky, said "on the border" when you are measuring the air quality of the dumps and such. But I would suggest to you that the border of a cone burner is the very top of it, and I don't see how you can do anything else but measure right at that one point, and it would be the same as holding this cubic meter over a burning pit. You are going to have that 100 micrograms within that, it is bound to be.

I agree with the first part of this amendment wholeheartedly, provided public health, safety and welfare are not adversely affected. And I don't even like the word "adversely"; I would much rather that was not in there — is not affected by the emissions. I wouldn't want any of these emissions in any way to harm the health, welfare or safety of anyone in the public.

I discussed this amendment with the good Senator from Penobscot, Senator Trotzky, and I was hoping he would leave this last sentence off, and particularly this with the 584A.

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

Mr. TROTZKY: Mr. President and Members of the Senate: Before the Senate went into session today, I called up Bill Adams, the Commissioner of the Department of Environmental Protection, and I asked him how these concentrations of particulate matter and other chemicals were measured. He stated that they are not measured in the dump and they are not measured on top of the cone burner, that they are measured out beyond the limits of the dump. Also, in factories, he mentioned to me, the concentrations are measured or the air quality is measured beyond the gates of the factory.

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

Mr. WYMAN: Mr. President, the members of this Senate spoke loud and clear on this matter of cone burners yesterday. We debated it at length, and I certainly support the good Senator from Oxford, Senator O'Leary, and I hope that we will indefinitely postpone this amendment.

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

Mr. CYR: Mr. President and Members of the Senate: If the government is so interested in our health in trying to put on all kinds of controls of the air, why aren't they doing more in regard to cigarette smoking? If we are going to die, let's die happy.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I originally was supporting this bill because it supports the concept that I believe is the proper way to go in regards to environmental protection, which is to go away from prohibitions but just to make sure that there are standards by which when things are done they have to be done in the proper way. That is the approach we have taken in our environmental legislation here in the state, and on the whole I think it is good. And for that reason, I usually resist any attempt to have a ban on this sort of development or a ban on that sort of development, and I would resist an attempt by the department or by our laws to have a ban on the use of a particular device as such, but I don't have any objection to it having to meet certain standards if it is going to be done. I think that is the approach we have taken all along. For that reason, this seems to me to be going in that direction, and I think my inclination is to vote for this amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that Senate Amendment "A" to House 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" to House Amendment "A" please rise in their places until counted.

A division was had. 15 having voted in the affirmative, and 12 having voted in the negative, the motion prevailed.

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

Mr. BERRY: Mr. President, I think this is a fairly significant action we are taking here. I had had every hope of keeping quiet on the issue, but I think it was touched here fairly lightly by Senator Merrill and one other speaker. I am going to ask for a roll call on a motion to reconsider.

The continued pollution of our atmosphere is something I think that we may for a buck close our eyes to or shut our noses to, but at the peril of ourselves and future generations. The papers are more and more becoming filled with articles on the increase in the carbon dioxide content of the atmosphere due to burning. We took a questionable step in postponing the day of reckoning on open dump burning. This is a matter of practicality forced upon us. But here is something we don't need to sidestep, and I would urge those of you who voted for indefinite postponement of this amendment to examine your consciences and to vote to keep this going. Otherwise, I think the whole bill should be killed.

So, Mr. President, I move that the Senate reconsider its action whereby it indefinitely postponed this amendment.

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

Mr. CIANCHETTE: Mr. President, I too was going to keep quiet on this matter but there have been enough questions raised so that I feel I would like to perhaps have some answers before voting on this issue again.

I am wondering what the alternatives are. You know, we are and we should be concerned about the air quality. We should be concerned about open dump burning. Personally, I am very much concerned

and I am more concerned about these solid landfills that we are doing that seem to be sweeping our trash under the rug — I think that is all it is doing — and I feel that that material we are sweeping under the rug and covering up with a little dirt on top is going to be there in a very unsanitary state and in the ground, and as it dissolves and as it disintegrates and all, that material and pollution is going to end up in our water supplies.

Now, personally, I am against this solid waste fill. I don't particularly like the open dump burning. I think the cone type of burner is a much more efficient or less polluting way of getting rid of our waste than burning it in the open dumps.

I don't know what the alternatives are. We are saying we are going to let you go ahead and burn your stuff in the open dumps, we are going to let you sweep it under the rug, but don't put it in a cone burner and burn it. Now, I don't think that we have to sit here with all wisdom and tell the folks back home that buying a cone burner is not good for them. I think they can make that determination back home. Before they go spend 30 or 40 thousand dollars to buy a cone burner, I think that they have their judgment and responsibility to go look into that matter and see if it is what they want.

As I see the legislation, it is enabling legislation to let these towns have another alternative for taking care of their waste. I am not satisfied that the DEP is giving them the proper alternatives or that the legislature is giving them the proper alternatives. I feel that the alternative Senator O'Leary is offering is a very realistic one, and if there are better ways, please let me know right now.

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

Mr. BERRY: Mr. President, if I may, I have sat patiently and listened to the debate. Having been quite involved in sanitary landfill, open burning, and one thing or another of that type, in respect to the statement by the good Senator from Somerset, Senator Cianchette, the City of Auburn has recently gone into a study as to the proper method of trash disposal. We had considered a cone type incinerator, and we visited various cone burners throughout the state. We found that they were nothing more than an open chamber with a hole in the top. We also found that there was a great deal of toxic gases and strong black smoke emission coming from the top, because once the open trash dump was condensed into a cone burner they were actually burning the same materials they were not supposed to burn in the open dump. They were burning rubber tires, many different types of chemicals, etc.

But there are available many different types of incinerators and many other different types of trash disposal. But I think the important thing is that many of the small towns and communities which could make this decision on their own do not have the knowledge, the technical advice, or the expertise to do that. We spent somewhere between 20 and 30 thousand dollars just for a study to find out the proper means that we should use to dispose of our trash.

So I think the Senate should reconsider its previous action and support the amendment.

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

Mr. MERRILL: Mr. President and Members of the Senate: I just rise to respond to the question of the Senator from Somerset, Senator Cianchette. I am no expert on this at all, but I did have a question yesterday that I raised in regard to these cone burners versus incinerators and what the Town of Windham had done. The situation, as I have found out since, is that the greater Portland area is considering having a landfill in which all the towns will participate, and the Town of Windham, which is quite a fiscally conservative town, made the decision that they would contract with a private individual who would erect an incinerator at the dump area and they would incinerate all of the trash with an incinerator, and not with a cone burner — I got educated yesterday that there is a difference — and the town made the decision that that was cheaper than going into a regional landfill situation, which I have doubts about — I share the concerns of the Senator from Somerset in regards to that alternative — and evidently it is working out quite well and it is fairly economical. And that private individual uses that incinerator to make money by taking care of other waste disposal problems that private individuals and corporations have. So I know of that one alternative just from checking out my own question yesterday.

The other point, I think, is that it is important to point out that the question before us is whether or not to accept this amendment to the bill. This amendment doesn't explicitly prevent cone burners; it just says that they have to meet these standards. I don't know what 584A is. If somebody wants to describe that, maybe that would raise some concerns. But the standards of public health, safety and welfare, I think are fairly minimal standards, and if the cone burners can never meet those under any circumstances, no matter what the prevailing wind situation or anything is, then I think maybe they should be prevented, but I don't think that is probably the case.

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

Mr. TROTZKY: Mr. President and Members of the Senate: The good Senator from Somerset asked the question of what are the towns doing, and I again went over some of them. Bath, for example, purchased its teepee incinerator at a cost of \$25,000 installed. Approximately \$8,000 was spent on repairs over the operational period. The incinerator was dismantled in July, 1974 and, according to the air emission license filed for this source, all trash is covered, with no open burning. That is a town that did have an incinerator.

Now, we passed in this legislature, besides the extension of open burning law, also a joint order for a study by the Natural Resources Committee of solid waste disposal in the State of Maine. And one of the items the committee was concerned with was the standards set forth in 584A, which was referred to by the good Senator from Cumberland, and these standards — I could read them but I don't think they would be too meaningful to anyone here; they describe the concentrations per cubic meter of different sulfur dioxides and carbon monoxides, particulate matter, and so on — but these are agreed to with the federal government. One of the things that we may recommend is that the state possibly renegotiate with

the federal government some of these standards if they are too stringent.

But let me refer right now to the bill here because I think there is something important in the bill. The bill states that cone burners are permitted, but it also states that there shall be proper leachate control, ash sifting and ash disposal accomplished in a legal manner. In other words, the bill states that the residue shall be disposed of according to certain standards. And all this amendment is stating is that the emissions shall not violate these air quality standards which the State of Maine has negotiated and agreed to with the federal government.

So I feel that if there are problems with our air laws then we have to renegotiate these standards, but it is flying in the face of agreements we have made by passing this law here. Also, I feel again that when you take out from jurisdiction the cone burner from all our air laws, which this bill does, it really is very irresponsible.

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

Mr. CYR: Mr. President and Members of the Senate: I think possibly the DEP has been too occupied promulgating and not doing enough experimenting. They don't know any more about it than we do in this regard. Not too long ago I know some of you probably read an article in the press that Saco was having problems with their solid waste program that they started a couple of years ago. They discovered that they had contaminated the water table and it is going to cost them quite a few thousands of dollars to try to rectify the situation.

Now, in regards to cone burners, there are cone burners and there are cone burners. Now, I happen to know that there is one in Presque Isle which is working very efficiently. It is giving the air variance required by the DEP at a cost of approximately \$1.75 per capita. The Regional Planning Commission has just finished a study on solid waste, on what would be the cost and what would be the alternatives, and they arrived at figures for a regional solid waste program of approximately \$5, and this didn't include the picking up of the trash and the transportation. In our case we would have to transport it about ten miles away from us, so we in our council estimated that it would cost us approximately \$10 per capita to take care of the solid waste, while in Presque Isle they are doing it with this cone burner at \$1.75.

Now, if the DEP was to use the approach of studying these cone burners and would recommend to the communities the type of cone burners that will do the work, that will do the job properly, that should be their job, and they should have some standards on these cone burners to make the recommendations to the communities.

Now, if we just pass a law allowing cone burners, and then we again shackle their hands with this amendment, in towns like my town, for instance, right now we are debating which way to go: are we going to buy a farm, are we going to buy enough acreage to go into a solid waste program that they are recommending, or are we going to go into a smaller plot of land closer to town possibly, but at the same time meet the requirements to be away from dwellings and what have you, buy a smaller piece of land and put in a cone burner. But if we do, what type of cone burner would be recommended by the DEP. Those are all answers that should come from the DEP. So I think they should

stop promulgating and start giving us some answers. That is the way they should go.

So if we pass this, actually, like it was mentioned by the good Senator from Oxford, we are emasculating the main purposes of the bill that we are passing in giving the communities a choice, giving them a choice, the communities that do not have land appropriate for the solid waste program. Now, you may not think that is a problem, but we have been at it since last summer and we have even hired a firm of engineers to try to guide us along. They have looked at several sites all over my community, and they have arrived now at one site which may pass — in fact, we are waiting possibly next week for the DEP to come along and look at it. Now, that is the situation we are in. So if we pass this, actually we are not giving the communities a choice. But through their own regulations, they can guide the communities to the cone burners that will do the job.

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

Mr. TROTZKY: Mr. President and Members of the Senate: Concerning the Presque Isle cone burner. I have a letter here from Bill Adams of the DEP, dated May 13, 1975, and it says the Board of Environmental Protection has licensed the Rumford-Mexico unit and is expected to license the Presque Isle unit.

Also, I put on many of your desks yesterday a statement from the DEP that legislation of this type, such as we have here without the amendment, may encourage the EPA, the Environmental Protection Agency, to become directly involved in enforcing the federal air quality law rather than working through the state agency. In other words, by the passage of this law, you invite the federal government to come straight into Maine to enforce the clean air act.

Secondly, legislation of this type will require the EPA to place correctional conditions on Maine's program grant, and failure to comply with any conditional provisions of the program grant could lead to a reduced federal program grant. In other words, we jeopardize money we are receiving from the federal government, and we also put ourselves in jeopardy of having the federal government come in directly.

The good Senator from Aroostook stated that the DEP should help the towns with cone burners. From all experience that the DEP has and that EPA has, cone burners are uneconomical, and I did pass out a list of towns which have experimented with cone burners and four of them have completely closed them down. So the DEP feels that it is irresponsible to put forth this legislation, but at least if we are going to put this forth, let's put it forth in compliance with the standards that we do have.

Even our open burning dumps, one of the alternatives we have is open burning dumps for some of the small towns, that is what our open dump burning bill stated, that they still have to abide by many of these standards.

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

Mr. CYR: Mr. President and Members of the Senate: What I am saying, actually — the good Senator from Penobscot just mentioned that Presque Isle is going to be licensed for a cone burner, well, all right, if Presque Isle is going to be licensed for a

cone burner, it must be a type which is acceptable. Why can't the DEP come out and say cone burners of a certain type will be acceptable.

Now, if we pass this law and we pass this amendment here, a community that is going to purchase a cone burner and put in an investment of 35 or 40 thousand dollars won't know until they are in operation, and DEP comes in and says well, look, you have got the wrong type of burner and you are polluting the air too much, we are going to close you down — so this community has made an investment of 35 or 40 thousand dollars for nothing. They have got to start all over again. And I think it is the responsibility of the department to notify these communities and say a cone burner of a certain type will be acceptable and all the others will not. But the argument, if you are going to install that type of burner, you know that you are in business and you are not going to be closed down after you are in operation. This is all I am saying.

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

Mr. CARBONNEAU: I would like to ask a question through the Chair. Are our Maine laws the same as the federal or are they more stringent?

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: According to the clean air act of 1970, the federal air act, it allows the states to adopt more stringent standards than federal law. Now, Maine's air laws in many respects are, I assume, more stringent than other states and more stringent than probably the minimum laws set by the federal government. But again, one of the most important aspects of Maine is our environment. Everybody has said we don't want to be like other states which are polluted. Well, one of the things that is keeping us from being polluted is our laws. So the clean air act allows states to adopt more stringent regulations.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby it indefinitely postponed Senate Amendment "A". 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 Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I think some of the comments of Senator Cyr merit response.

Firstly, the communities have had at least six years official notice to do what needs to be done, and every two years, probably every year counting the special session, we hear the pleas from the communities who have done nothing to give them more time and to permit them to erode the laws that we have put on the books after a great deal of hard work. And with all respect to Senator Cyr, this was the thrust of his comments.

I think in this vein the good Senator is not really doing what he thinks he is doing. I know he is sure that he is doing what he should be doing for his people, but it is my belief that it is working just the opposite way. This delay is costing the communities of the State of Maine untold thousands of dollars due to the terrific inflation in this type of installation. If this work had been done four years ago, or even two years ago, the significantly lower invested cost and the significantly lower bond interest rate would have resulted in tremendously lower carrying charges to the communities of the State of Maine. And it is in this spirit I say that delay is hurting the communities of the State of Maine.

Now, when Senator Cyr asks why does DEP not approve a cone burner, he is touching on an historical argument between two viewpoints. One is that it is the responsibility of regulatory authorities to specify a type of equipment, be it a water treatment plant or a sewage treatment plant, or burner or anything. The opposing view to this is that the regulatory authority stipulates the emissions, the product, be it waste water or be it air emissions — and this argument has been settled years ago — so DEP quite properly, at the instigation and direction of this legislature, stipulated that standards would be the guide. A cone burner, to be specific, will emit certain standards. If it is above it, it is not approved.

Now, that is all this amendment does that Senator Trotzky is presenting to you now. He is just saying O.K. with cone burners, but they have got to meet the emission standards. I ask you, what is wrong with this? And I will answer it, there is nothing wrong with it; it is just the right answer and it is the law on the books.

So that is why I have, unfortunately, exposed you to a little bit more debate here in my request for reconsideration, but I do point out the factors involved here. Your vote is very, very significant, and I hope you will vote for reconsideration and ultimate passage of the amendment.

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

Mr. CONLEY: Mr. President, I would like to pose a question through the Chair to the good Senator from Penobscot, Senator Trotzky. Under the present standards as set by the DEP, can cone burners measure up to the air quality act?

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I would like to answer that, if I might, Senator Conley. If the design of the burner is such that its emission will meet the standards of the DEP, then it is approved. The answer, of course, to the problem and to Senator Cyr is that if he can find anybody who will manufacture a cone burner and guarantee the emission standards will be in compliance with the DEP standards, they can go ahead and put in a cone burner right now.

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

Mr. TROTZKY: Mr. President, under the bill the way it is right now, anyone can build a cone burner and it can be located anywhere. It can be in the center of an

urban population. With the amendment on it, it allows cone burners as long as these emission standards are not violated. Now, you have to be practical here. In other words, if a community puts in a cone burner somewhere out in the rural area and no one complains, probably nothing will happen. But if the wind is blowing all the smoke into a few houses, somebody is going to complain, the DEP is going to go up there and they will probably measure the standards right where the people are complaining, and if it is violating air quality they will probably stop the use of the cone burner. But as to the DEP, again the intention has been to discourage cone burners, from the experience that they have not worked out.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby Senate Amendment "A" to House Amendment "A" was indefinitely postponed. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Conley, Corson, Cummings, Curtis, Graham, Greeley, Huber, Katz, Merrill, Reeves, Roberts, Speers, Thomas, Trotzky.

NAYS: Senators Cianchette, Clifford, Cyr, Gahagan, Graffam, Hichens, Jackson, Marcotte, McNally, O'Leary, Pray, Wyman.

ABSENT: Senators Collins, Danton, Johnston.

A roll call was had. 17 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with three Senators being absent, the motion prevailed.

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

Sent down for concurrence.

Bill, "An Act to Prohibit the Plugging of Lobsters." (H. P. 1075) (L. D. 1355)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Maine Veterinary Practice." (S. P. 212) (L. D. 739)

Resolve, Appropriating Funds for the Pharos House of Portland. (S. P. 477) (L. D. 1610)

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

Sent down for concurrence.

Enactors

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

Emergency

An Act to Create Hospital Administrative District No. 5 in Piscataquis and Penobscot Counties. (H. P. 1099) (L. D. 1392)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the

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

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

Mr. SPEERS: Mr. President and Members of the Senate: Because of a problem which has arisen with the county budget bill, which is supposed to be passed today, we are going to request a recess until the sound of the bell for leadership to talk about this problem and to come up with hopefully a solution as to what we are going to do about it.

Mr. President, I move the Senate stand in recess until the sound of the bell.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that the Senate be in recess until the sound of the bell. Is this the pleasure of the Senate?

It is a vote.

After Recess

Called to order by the President.

Out of order and under suspension of the rules, on motion by Mr. Speers of Kennebec, the following matter was given its Second Reading: Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-Five and Nineteen Hundred and Seventy-Six. (H. P. 1636) (L. D. 1904)

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

Senate Amendment "A", Filing No. S-225, was Read and Adopted and the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

Orders of the Day

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

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

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

Pending — Acceptance of Either Report.

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

Mr. WYMAN: Mr. President and Members of the Senate: I move we accept the Minority Ought to Pass Report. This was discussed before the Committee on Taxation and afterwards in the Committee, and it seems to me that this East Auburn Community Unit is well worthwhile, it is doing a lot for young people and, although technically there may be some areas in which it does not meet the thinking of the good tax assessor from Auburn, John Lockheed — and I have a great deal of respect for him — I do think that this performs a very worthwhile service. And I think that when we hurt one of these services by taking away their tax exemption, then we hurt the whole area, and in the end it costs us more money. So I hope we will accept the Minority Ought to Pass Report.

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

The motion prevailed.

Thereupon, the Bill was Read Once and Tomorrow Assigned for Second Reading.

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

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

Tabled — May 27, 1975 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

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

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

On motion by Mr. Clifford of Androscoggin, the Senate voted to reconsider its former action whereby House Amendment "A" was Adopted and, on subsequent motion by the same Senator, House Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-237, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — May 28, 1975 by Senator Gahagan of Aroostook.

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

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

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

On motion by Mr. Katz of Kennebec, retabled and Specially Assigned for June 3, 1975, pending the motion by Mr. Hichens of York that the Senate Recede and Concur.

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

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

Tabled — May 28, 1975 by Senator Danton of York.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-236, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — May 28, 1975 by Senator Curtis of Penobscot.

Pending — Final Passage.

(In the House — Finally Passed.)

On motion by Mr. Curtis of Penobscot,

retabled and Specially Assigned for June 3, 1975, pending Final Passage.

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

Senate Reports — from the Committee on Health and Institutional Services — Bill, "An Act to Further the Conservation of Vision." (S. P. 169) (L. D. 556) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-217); Minority Report — Ought Not to Pass.

Tabled — May 29, 1975 by Senator Carbonneau of Androscoggin.

Pending — Acceptance of Either Report.

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

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

Bill, "An Act to Regulate Certain Oil Carrying Vessels in Maine Waters." (H. P. 723) (L. D. 900)

Tabled — May 29, 1975 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

(In the House — Indefinitely Postponed.)

(In the Senate — Committee Amendment "A" (H-441) Adopted in non-concurrence.)

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

Sent down for concurrence.

(See Action later in today's session.)

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 29, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Mr. Katz of Kennebec presented Senate Amendment "A" and moved its Adoption. Senate Amendment "A", Filing No. S-232, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President, on the desk of every member of the Senate is a clear and I hope accurate explanation of all the parts to this bill. Those of you who are interested will find it.

This amendment is actually an error and inconsistency. After this, I will offer another amendment, which is neither an error nor an inconsistency, which I would like to call to your attention.

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

The motion prevailed.

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

Senate Amendment "B", Filing No. S-238, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President, I want the Senate clearly to understand that this bill, which is errors and inconsistencies, is being used as a vehicle to do something which is neither an error nor an inconsistency.

This amendment relates to the tax relief bill which we included in L. D. 1452. At that time we had decided that the dollars for tax relief would be distributed in two separate payments six months apart. This amendment moves up the distribution to a single payment in the month of July. I move its adoption.

The PRESIDENT: The Senate will be at ease, and the Chair would ask the Senator from Kennebec, Senator Katz, to approach the rostrum:

(Senate at Ease)

Called to order by the President.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "B".

Reconsidered Matter

Mr. Cianchette of Somerset moved that the Senate reconsider its former action whereby the following was Passed to be Engrossed:

Bill, "An Act to Regulate Certain Oil Carrying Vessels in Maine Waters." (H. P. 723) (L. D. 900)

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

Mr. KATZ: Mr. President, I notice that this item was passed over rather quickly under the hammer, and it pertains to the so-called double bottoms of oil carrying vessels. Everything I have read about this bill indicates to me that we are stepping far afield from state concerns in trying to influence the use of vessels in international commerce, and I move indefinite postponement.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that L. D. 900 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I think that the good Senator from Kennebec, Senator Katz, and the good Senator from Somerset, Senator Cianchette, have got their scripts a little bit mixed up. Senator Katz jumped over onto page 3 when he was supposed to move indefinite postponement, skipping page 2, where either Senator Reeves or myself were supposed to explain, and he certainly didn't look on page 1, where Senator Cianchette was supposed to say something about his motion to reconsider, so we are a little bit in inverse order here, but we understand how these scripts do get mixed up between the people who write them and the people who speak them. At least that has been my observation in the last two days.

L. D. 900 is rewritten as H-441, and I will be the first to say that the bill for the next two years will have absolutely no impact on the State of Maine in any way at all. Although if it were passed, the petroleum boys would probably end up in the Supreme Court of the United States challenging its constitutionality for some reason, like they did on the oil conveyance bill, which was drawn up in somewhat the same spirit of trying to protect our coast.

The committee had the benefit of a very knowledgeable but I would say brusque admiral from the Coast Guard who, in the proper spirit of the ERA movement, was unable to distinguish between the male and female members of our committee and delivered himself of some comments that were looked at a little bit askance by our female member, however, his knowledge of hull construction,

international trade, and petroleum carriers was of tremendous assistance to the committee.

The proposal, as you will note from reading House Amendment H-441, consists of several suggested changes in the types of supertankers which will in the future be delivering oil to the state. All the concepts as outlined in the amendment are proven methods of safeguarding the transportation of oil. They all involve extra costs in the construction of the ships, and I think that it would be safe to say that probably ten years from now the vast majority if not all of the tankers on the high seas would be constructed under somewhat similar restrictions.

It is the intent of the Coast Guard to continue studies, which we were happy to learn are under way, and I would say they are only under way because certain states are, and have been, seriously considering implementation of statutes just such as this. In other words, the federal government is going to move when the states get so burned up with the situation that they are going to start putting laws on their own books. And this is just exactly what we did, of course, in the coastal conveyance bill, and I think this is what we are going to see happen with the passing years here.

The controls that are suggested in the construction of the vessels are, first, that there be a double bottom of the tanker construction. That is a space at the bottom of a tanker that would be either filled with ballast, ocean water, or nothing when the boat is full, which of course would give a protective feature to a tanker which runs aground. The Tamano accident we had in Portland Harbor several years ago, from pictures taken of the hull when she was in drydock in France, and which your committee saw, would not have spilled oil if it had a double bottom. So that is one requirement.

Then there is a second requirement that there be a method of filling up empty tanker space with the flue gas from the diesel engine, which is inert, which drives out any accumulated explosive vapors which all tankers have unless they are flushed this way. That is the second requirement. These are proven methods of preventing tanker explosions, and this particular feature is under active consideration and probably will be adopted by federal mandate very soon, so we are not hampering the petroleum industry with that particular feature.

Then the third feature consists of any one of three features. A tanker has got to have bow thrusters or it has got to have twin screws, or it has got to have a tug with it when it is in Maine waters.

Now, quite frankly, I don't believe any of these requirements are ridiculous. I think they are, as I say, a minimum of two years away, if not more, so we are not going to hurt anybody by saying this has got to happen. Your committee increased the affected dead weight tonnage so that any tanker that has hitherto come into the Portland Pipe Line can come in, so Portland Pipe Line delivering that sacred oil to Canada isn't going to have any problem.

So I think we really come down to the philosophical question of should we put this on the books. I think that the answer is yes. I have been both pro and con on the subject. I don't think it is a waste of effort on the part of the Maine Legislature to put it on the books. It is not in any way, shape or manner going to inhibit petroleum

traffic in the State of Maine for a minimum, in my opinion, of four years and maybe more. About that time the federal government will put on their books similar rules. Tankers are built in accordance with internationally accepted standards, and the internationally accepted standards will incorporate these features over the next few years.

You will note that the bill was presented by four gentlemen from the other body who are residents of the coast, whose areas have known the chances of oil spills, who have experienced oil spills in their own communities, as have I and many others of us here from the greater Portland area.

I am not going to in my usual manner anticipate the learned deliveries of the opponents to this, but I shall await their speeches with a great deal of interest.

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

Mr. CIANCHETTE: Mr. President, I would like to oblige the Senator from Cumberland, Senator Berry. I think it is quite a simple philosophical issue, as he said, and I agree with that. I guess I don't disagree with too much of what he says. He says he doesn't really think this is going to be an unconstitutional problem, and I agree. He did say, if I understood him right, that it would in effect put the State of Maine, the Maine Legislature, in a position of setting shipping standards or telling the people that build large ships that we don't want your ships in Portland Harbor; you can go anywhere else in the world but don't come here.

Now, I don't know all the ramifications of this, whether or not that might mean in the future, if this bill were passed, that Maine might not be afforded the opportunity to receive oil for its own use in a ship that could bring the oil here for much less cost than the smaller ships can. I don't know that. The Senator says that this will not limit the petroleum movements for the next two or probably four years, at least, and by then the federal government will have standards that would take over anyway. Well, if these things are all true, then this obviously is an unnecessary piece of legislation.

The real nuts of this legislation, I believe, is a further indication that there ain't going to be no large ships in Portland Harbor if we can prevent it. I don't think the Maine Legislature should take that stand now. We can talk about possible accidents and their big scare tactics about massive oil spills, and all this sort of thing, but I don't know as they have really done that much damage anywhere yet. We had a real bad tragic one here in Portland Harbor, and you know, by gorry, we did get over that. Haven't we just voted to increase the fund here for the protection of the coastal waters due to oil spills and such? I think we are looking at these things realistically, practically, and we are not trying to limit industry in this state.

This bill, as I see it as just another little prong in industry's side, and I am not sure, but I would guess that if this bill were written in such a manner that it kept all ships out of Portland Harbor that it might be getting a favorable report from the Senator from Cumberland, Senator Berry. I don't think we want to keep ships out of Portland Harbor, I don't think we want to keep big ships out of Portland Harbor, if they are going to do the job to bring us oil cheaper, which could be the case.

Mr. President, I am not sure what the pending motion is right now.

The PRESIDENT: The pending motion is reconsideration whereby this bill was passed to be engrossed.

Mr. CIANCHETTE: I would urge reconsideration of this item.

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

Mr. BERRY: Mr. President and Members of the Senate: If I might pose a few questions through the Chair to any Senator for my own information, I would like to ask is it not true that there are only six such of these tankers in the world today?

Also, I would like to ask that if we don't have a refinery in Maine for two years, but if we do have one at the end of two years or one perhaps five years away, and as the good Senator from Cumberland, Senator Berry, indicated, these standards may be implemented in about ten years, what does Maine do in the meantime between the two and ten year or five and ten year period?

I would also ask, if these standards have not been considered over the past three years by the Maritime Commission and the Coast Guard, that they have delayed implementing these standards because of the lack of this type of construction in merchant ships and tankers?

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: There are very, very few tankers constructed today to these specifications, but as I said, there will be an increasingly large number so constructed. No tanker of this size loaded can get into Portland Harbor anyway, so don't pay any attention to that talk. They are just too

This would just say that if you are going to have a refinery at Eastport it wouldn't be a bad idea to have a couple of tugs protecting those tankers, those 1,000, 1,100, 1,200 foot tankers as they are thrashing around up there, it wouldn't be too bad an idea to have a couple of tugs, if they are in Maine waters. This doesn't seem like too bad an idea.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Somerset, Senator Cianchette, that the Senate reconsider its action whereby L. D. 900 was passed to be engrossed.

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President and Members of the Senate: My support of this bill has finally brought me to the attention of the oil lobby and under the personal care of the guy that I think is the No. 1 State House lobbyist, Mr. Loyall Sewall. It is just like being in the big time now. But actually I was not persuaded by his arguments because, as a member of the Marine Resources Committee, I feel a responsibility to protect the Maine coast from unnecessary risks.

I think the Chairman of the Marine Resources Committee, Senator Berry, has done a careful job explaining the details of this bill, so I will just add this fiscal note, and that the additional costs of construction associated with this bill for these supertankers are more than balanced out by the vast amounts of extra revenue from the extra oil that these supertankers carry.

Mr. President, I believe this is an

important issue, and I ask that a roll call be taken.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: It seems that quite a lot of emphasis has been put onto the fact that if at some later date we do have large tanker vessels coming into some of seacoast areas that they should be compelled to have a tug guiding them in. I would assume that anyone with a large vessel, or any captain of such a large vessel, would want a tug to guide him in. And if that is the total problem, then I would suggest that we do support the motion of Senator Cianchette and perhaps some legislation which will require tugs to guide these vessels in, which will be short and sweet and to the point.

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

Mr. BERRY: Mr. President, if we were to look at the bill, we would understand that the bill says that any time a tanker of this size is in Maine waters it is going to have a tug with it. And if it doesn't have a tug with it, it is going to have two engines. And if it doesn't have two engines, it is going to have a bow thruster. It is going to have one of those three any time it is in Maine waters, and not necessarily going into port.

So if this big tanker is going down the coast, and it is going by Machiasport or it is going by Penobscot Bay, and it is within three miles of the coast, it is going to have any one of these three features. Why? So that if for any reason the vessel becomes immobile it is going to have some way of controlling itself. So it is not just going into the harbor. If this captain finds himself so that he is going to get in trouble, he can call for assistance from the tug, if he is within three miles, he has not his bow thrusters to force him off if he doesn't have a tug, or he has got twin engines and hopefully both of them won't break down at the same time.

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

Mr. CIANCHETTE: Mr. President, I hope the Senate doesn't get too concerned about an almost irrelevant part of the bill here that we have just been discussing, because I don't think that you would find any of these large supertankers putting themselves in a hazardous situation for the lack of a tugboat around it. That is just dressing on the bill that we can point to and say of course this doesn't do any harm. Of course it doesn't, it is going to happen anyway. You know, this is just a little dressing here to make the bill look good because it is only something that is going to be happening, and certainly nobody will find fault with that.

I think all you have got to do is read the one sentence: "No vessel exceeding 115,000 dead weight tons which has as its cargo oil shall enter the jurisdiction of the State of Maine unless such vessel is equipped with the following safety features: segregated ballast design", which I suggest they all have, "incorporating a double bottom throughout the cargo length", which to date they don't all have. That is what we are talking about. Are we going to be designing ships here in the Maine Legislature? All this other stuff about regulations and tugboats and things,

that is no problem. And if the good Senator would care to offer another amendment to strike that section out that says "double bottoms throughout the cargo length", I am sure there would be no problem with the bill. That is what we are talking about.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Somerset, Senator Cianchette, that the Senate reconsider its action whereby L.D. 900 was passed to be engrossed. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry, Carbonneau, Cianchette, Clifford, Conley, Corson, Cummings, Jackson, Katz, Marcotte, Merrill, O'Leary, Roberts, Thomas, Wyman.

NAYS: Senators R. Berry, Curtis, Gahagan, Graham, Jackson, Reeves, Speers, Trotzky.

ABSENT: Senators Collins, Cyr, Danton, Graffam, Greeley, Hichens, Johnston, McNally, Pray.

A roll call was had. 15 Senators having voted in the affirmative, and eight Senators having voted in the negative, with nine Senators being absent, the motion prevailed.

Mr. Cianchette of Somerset then moved that the Bill and accompanying papers be Indefinitely Postponed.

Mr. Speers of Kennebec, then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Cianchette of Somerset that the Bill and accompanying papers be Indefinitely Postponed.

On motion by Mr. Katz of Kennebec, a division was had. 12 having voted in the affirmative, and 10 having voted in the negative, the tabling motion prevailed.

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

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

Tabled — May 29, 1975 by Senator Katz of Kennebec.

Pending — Motion of Senator Conley of Cumberland to Reconsider Action whereby the Senate Receded and Concurred.

(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.)

(In the Senate — May 29, 1975, Receded and Concurred.)

On motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland that the Senate reconsider its former action whereby it voted to Recede and Concur.

The President laid before the Senate the tenth 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 — May 29, 1975 by Senator Conley of Cumberland.

Pending — Adoption of Senate Amendment "A" (S-233) to Committee Amendment "A" (H-312)

(In the Senate — Passed to be Engrossed as Amended by Committee Amendment "A" (H-312).)

(In the House — Passed to be Engrossed as Amended by House Amendment "A" (H-508) and Committee Amendment "A".)

(In the Senate — Adoption of Committee Amendment "A" Reconsidered.)

Thereupon, on motion by Mr. Roberts of York, the Bill and accompanying papers were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the eleventh 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"; (S. P. 541) (L. D. 1908); **MINORITY REPORT** — Ought Not to Pass.

Tabled — May 29, 1975 by Senator Johnston of Aroostook.

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

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending the motion by Mr. Trotzky of Penobscot to accept the Minority Ought Not to Pass Report of the Committee.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Bill, "An Act to Transfer Authority for Truth-in-Lending Examinations and Enforcement from the Bureau of Banks and Banking to the Bureau of Consumer Protection." (H. P. 323) (L. D. 454)

Tabled — April 25, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed. (In the House — Passed to be Engrossed)

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

Papers from the House

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

Joint Order

Ordered, the Senate concurring, that Bill, "An Act Concerning the Income Requirements for Class A Restaurants under the Liquor Statutes," House Paper 1296, Legislative Document 1567, be recalled from the Engrossing Department to the House. (H. P. 1649)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

(Off Record Remarks)

Senate in recess, pending the sound of the bell.

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:

Enactors

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

Emergency

AN ACT to Create a Commission to Revise the Laws Relating to Medical and Hospital Malpractice Insurance. (S. P. 494) (L. D. 1825)

This being an emergency measure and having received the affirmative vote of 22 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-five and Nineteen Hundred and Seventy-six. (H. P. 1636) (L. D. 1904)

This being an emergency measure and having received the affirmative vote of 22 members of the Senate was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mrs. Cummings of Penobscot,

Adjourned until Monday, June 2, 1975, at 10 o'clock in the morning.