

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, June 3, 1975

Senate called to order by the President.
Prayer by Rev. E. Charles Dartnell of Brewer:

Let us Pray. We gather here today, dear God, not unmindful of those who have labored before us. We are well aware of their assurances but we also are aware of their doubts, their fears and their uncertainties. As we gather here this day, we too have our assurances but like them we have our doubts, our fears and our uncertainties. Be with those who labor within these chambers. Give them wisdom, dear God, but without conceit. Let them be strong, yet with compassion. Let them be well aware of their own abilities and capacities. Let them work together cooperatively without bigotry. We thank you for all the good things which have happened. Grant that these folks may place the welfare of all the citizens of our state above self gain or selfish interest or self aggrandizement, and make good things come from these sessions. We are proud of what has been accomplished. Let us be proud of what will be accomplished. Grant that working together in unity and concord, differing perhaps, and yet even in their differences being cooperative, recognizing each other as children of Thine and having at the heart the welfare of this state. Grant that because of their efforts this state, wonderful, great as it is, may become an even better place in which to live because of their efforts. Amen.

Reading of the Journal of yesterday.

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

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

In the Senate May 28, 1975, Passed to be Engrossed as Amended by Senate Amendment "B" (S-206), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "B" as Amended by House Amendment "A" (H-619) Thereto, in non-concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Concerning the Landlord-Tenant Relationship in Mobile Home Parks." (S. P. 432) (L. D. 1418)

In the Senate May 20, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-162).

Comes from the House, Recommended to the Engrossing Department, in non-concurrence.

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

Joint Order

WHEREAS, state, county and local police have evidenced a continuing need for scientific support of their investigative responsibilities; and

WHEREAS, the question of whether or not there is sufficient need to justify the expense of a State Forensic Laboratory has been a question under continuous debate; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized,

through the Joint Standing Committee on State Government, to study whether or not there is sufficient need in Maine for the services of a State Forensic Laboratory to justify the expense of such a laboratory, and, if sufficient need is found, to determine the type of laboratory required and amount of appropriation necessary; and be it further

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

ORDERED, upon passage, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1655)

Comes from the House, Read and Passed.

Which was Read.

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

Communications

STATE OF MAINE

One Hundred and Seventh Legislature

House of Representatives

Office of the Clerk

Augusta, Maine 04330

June 2, 1975

Honorable Harry N. Starbranch

Secretary of the Senate

107th Legislature

Augusta, Maine

Dear Mr. Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act to Prohibit the Plugging of Lobsters" (H. P. 1075) (L. D. 1355).

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

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

June 2, 1975

Honorable Harry N. Starbranch

Secretary of the Senate

107th Legislature

Augusta, Maine

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Certain Overtime Exemptions Under Minimum Wage Law" (H. P. 401) (L. D. 409):

Representatives:

TIERNEY of Durham

FLANAGAN of Portland

LAFFIN of Westbrook

Respectfully,

Signed:

EDWIN H. PERT,

Clerk of the House

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

June 2, 1975

Honorable Harry N. Starbranch
Secretary of the Senate

107th Legislature

Augusta, Maine

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act Relating to Utility Rate-making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies" (H. P. 1306) (L. D. 1590).

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports

House

Ought to Pass

The Committee on Health and Institutional Services on Bill, "An Act Creating the Maine Health Maintenance Organization Act." (H. P. 494) (L. D. 724)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendments "B" (H-528), "C" (H-541) and "D" (H-618).

Which report was Read and Accepted in concurrence and the Bill Read Once.

House Amendments "B" and "C" were Read and Adopted in concurrence. House Amendment "D" was Read.

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

Mr. COLLINS: Mr. President, I move the indefinite postponement of House Amendment "D". I am somewhat of a newcomer to this legislation, but I rise to speak against this particular amendment because of the great concern of hospital people and health maintenance organization people in my area.

I would call your attention first to the original bill. If you look at the statement of fact, you would see that the bill proposes to create a legal framework with flexibility for refining and experimenting with the organization and operation of a wide variety of health maintenance organizations, including those that are based on the medical care foundation concept.

This bill permits any individual, firm, partnership and so on to operate a health maintenance organization upon issuance of a certificate of authority from the Superintendent of Insurance. While maintaining the flexibility for experimentation, the bill delegates to the Superintendent of Insurance and the Commissioner of the Department of Health and Welfare broad regulatory powers.

In section 4206 (2), the bill requires the governing body of an HMO to establish mechanisms to afford the enrollees of an HMO an opportunity to participate in matters of policy and operation through the establishment of advisory panels for the use of advisory referenda on major policy decisions or through the use of other mechanisms. It is my understanding that this bill is the result of over a year's work by the Committee on Health and Institutional Services. The bill is designed to permit flexibility in the development of this new system of delivery of health care services to the people of Maine.

House Amendment "D" would, in my opinion, have the possibility of stifling the development of such services. For example, under this bill, hospitals throughout the state have the legal ability to operate a health maintenance organization. A hospital which serves a

population base of say 20,000 people is not going to form an HMO composed of 500 people if that 500 person group is going to be entitled to elect at least one-third of the total board of directors of the hospital. A particular hospital in which I have a great interest already has a substantial representation of consumers, and particularly low income consumers.

The bill requires a substantial amount of involvement by the consuming members of the HMO and also requires that detailed reports concerning its operation be supplied to the Superintendent of Insurance. I question the logical basis under which the amendment requires that one-third of the governing body of the non-profit organization must be elected by the members of an HMO, while at the same time specifically stating that the provision does not apply to profit-making entities such as individuals, partnerships and professional associations. It would seem to me that the consumer input is readily insured, readily assured, in a non-profit organization, while it may be totally lacking in a profit-making operation. I would seriously question the constitutionality of such an illogical distinction.

I would call also your attention to the statement of fact that is appended to House Amendment "D". It states that, "The purpose is to exclude individuals, partnerships and professional associations which initiate HMO's from the requirement that one-third of the governing body shall be elected by the enrollees." This certainly seems to be a misstatement of fact since the bill never made any such proposal. What the amendment does is place the requirement on some types of entities and not on others. I hope that we will not place this impediment in the way of developing an alternative system of delivery of health care.

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

The motion prevailed.

Thereupon, the Bill, as Amended, was Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Natural Resources, on Bill, "An Act to Establish the Salmon Falls River Watershed Advisory Committee." (H. P. 1014) (L. D. 1295)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-559).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-613) Thereto.

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

The Committee on State Government on, Bill, "An Act to Establish the American and Canadian Exchange Commission." (H. P. 728) (L. D. 903)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-593).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-605) Thereto.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Pertaining to the Choice of Counsel Retained to Perform a Title Search." (H. P. 1135) (L. D. 1430)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-563)

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

HENDERSON of Bangor
HEWES of Cape Elizabeth
BENNETT of Caribou
MISKAVAGE of Augusta
SPENCER of Standish
HOBBINS of Saco
HUGHES of Auburn
GAUTHIER of Sanford
McMAHON of Kennebunk

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

Signed:

Representative:

PERKINS of South Portland

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-611).

Which reports were Read.

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

Mr. SPEERS: Mr. President, I hesitate to rise to ask to be excused from voting on this bill because I don't wish to cast any other aspersions on any other attorneys who may not feel that there is a possible conflict of interest with regard to their own practice. However, I do feel that there is the appearance of a possible conflict of interest regarding this bill with regard to my own practice, and I therefore ask to be excused from voting.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now requests that he be excused from voting on L. D. 1430 because of the possibility of an appearance of conflict of interest. Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President, I also perform considerable services for banks in my area as attorney for them. I think I also would like to be excused from voting on this matter.

The PRESIDENT: The Senator from York, Senator Roberts, now requests that he be excused from voting on L. D. 1430 because of the possibility of the

appearance of a conflict of interest. Is this the pleasure of the Senate?

It is a vote.

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

Whereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted. House Amendment "A" was Read.

Thereupon, on motion by Mr. Merrill of Cumberland, House Amendment "A" was Indefinitely Postponed in non-concurrence, and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Repeal the Requirement for Wearing Motorcycle Helmets." (H. P. 897) (L. D. 1084)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo
CYR of Aroostook
McNALLY of Hancock

Representatives:

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

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

Signed:

Representative:

JACQUES of Lewiston

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Make Attendance at a Rehabilitation Program Mandatory for the First Offender Convicted of Operating under the Influence." (H. P. 964) (L. D. 1217)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-518).

Signed:

Senators:

COLLINS of Knox
MERRILL of Cumberland

Representatives:

HUGHES of Auburn
McMAHON of Kennebunk
BENNETT of Caribou
GAUTHIER of Sanford
MISKAVAGE of Augusta
HENDERSON of Bangor
HEWES of Cape Elizabeth
SPENCER of Standish

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

Signed:

Senator:

CLIFFORD of Androscoggin

Representative:

PERKINS of South Portland

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-518) as Amended by House Amendment "A" (H-600) Thereto.

Which reports were Read.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I move that the Senate accept the Minority Ought Not to Pass Report and would speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: This bill pertains to attendance at a rehabilitation program for a first offender convicted of operating under the influence. Under the present law, if one is convicted of operating under the influence, there is an automatic loss of license for four months. If the person who loses the license chooses to take a rehabilitation program, then that person can, upon successful completion of the program, get the license reinstated in thirty days.

Upon conviction of a second offense, then the rehabilitation program becomes mandatory. This bill would make the rehabilitation program mandatory even for the first offense. It seems to me that the penalty of four months loss of license and the incentive to take the rehabilitation program under the present law really puts the law in a posture in which it should be.

There was testimony at the hearing that some people who live in remote areas have difficulty in attending a rehabilitation program because they are not available in many areas of the state, and there was no evidence presented by any of the people at the hearing as to the effect of these programs, as to whether or not those who took them had a better driving record, subsequently. So I would hope that we could accept the Ought Not to Pass Report and that this unnecessary piece of legislation could be kept off the books, and that we could keep the law in its present posture of a mandatory four months suspension and an incentive for someone to take a rehabilitation program. Thank you, Mr. President.

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

Mr. COLLINS: Mr. President, I urge the Senate to vote against the pending motion. The committee listened to evidence about the first offense drunken driver, and I think the committee was particularly impressed with the opinion of Chief Judge Ross of the District Court. As I understand it, in York and Cumberland Counties for the past couple of years there has been a special program for working with offenders in this regard. Judge Ross paid particular tribute to the value of this program as now used with second offenders. He said to us that in his opinion to use the same program with first offenders would be more valuable than the type of program that has been pursued on a crash basis in those two counties in the last couple of years.

We also heard support for this program from the Secretary of State and from Mr. Wyman, the Chief of the Bureau. One of the good features of this program of education for the offender is that it is self-supporting. The offender is obliged to pay \$30 for taking the course, and this payment carries the expense of running

this kind of a program. And for some of the people who see these movies and learn scientific evidence about the effect of alcohol, the result seems to be beneficial. The Senator from Androscoggin is correct that we do not have exact statistical data as yet about the success of this program as measured in terms of how many people repeat, but it is a pretty difficult thing to prove a negative effect in this type of program.

Another important feature of this is that it will include more teenagers, more of these youngsters 16 and 17 who are drinking and driving. They need all of the resources we can bring to bear to teach them the grave dangers of driving and drinking.

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

Mr. MERRILL: Mr. President and Members of the Senate: With apologies to the Senate and to the Chairman of the Judiciary Committee, the Senator from Knox, Senator Collins, I am going to join Senator Clifford on the Ought Not to Pass vote when the vote is taken. I have changed my mind, I think, because I have given further consideration to it and the reason I put my name on the Ought to Pass Report is that I am very concerned about the problem of alcohol abuse and driving on our roads, but further study of this matter has convinced me that many of these people who are picked up one time after having four beers, the experience of being picked up and the stiff penalties with which they are faced at that point are more than enough of a lesson for these people in regards to not getting into the same situation again and not putting their friends and neighbors in the same danger again because of their driving while intoxicated.

It seems to me that the program has been effective, I think, in regards to second offenders, and these are the people that we should be aiming at because these are the people that probably have some continuing problem, some problem that is going to take more than just a penalty of losing their license for a period of time and a stiff fine. So I don't really think there is a need for this in regard to most of these people. Most people who are picked up while driving under the influence for the first time don't get caught again, and I don't think there is a need for this program to be mandatory.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Knox, Senator Collins.

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

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think before we

vote we ought to keep a couple of things in mind. First of all, under the present law the first offender loses his license for four months unless he takes one of these programs, his option, in which case, if he does, he can get his license back in 30 days.

Two, this bill is going to discriminate against the people away from the urban areas where these programs are given. It is going to discriminate against the rural people. And if there is no evidence as to how well it works, it seems to me that we shouldn't get into a law that discriminates unless we have some evidence of its positive results. Thank you, Mr. President.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Androscoggin, Senator Clifford, that the Senate accept the Minority Ought Not to Pass Report of the committee. A "Yes" vote will be in favor of accepting the ought not to pass report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Graham, Huber, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Roberts, Thomas.

NAYS: Senators Collins, Corson, Curtis, Gahagan, Graffam, Greeley, Hichens, Jackson, Katz, McNally, Speers, Trotzky.

ABSENT: Senator Wyman.

A roll call was had. 19 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with one Senator being absent, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Provide Special Free License Plates for the 100 Percent Disabled Veteran." (H. P. 450) (L. D. 557)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-565).

Signed:

Senators:

GREELEY of Waldo
CYR of Aroostook
McNALLY of Hancock

Representatives:

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

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

Signed:

Representative:

JENSEN of Portland

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-598).

Which reports were Read.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once.

Committee Amendment "A" was Read. House Amendment "A" was Read and Adopted in concurrence and Committee Amendment "A", as Amended by House

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

Divided Report

Five members of the Committee on Election Laws on, Bill, "An Act to Require the Closing of Voter Registration 32 Days Prior to an Election." (H. P. 20) (L. D. 28).

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-515).

Signed:

Senator:

BERRY of Cumberland

Representatives:

BUSTIN of Augusta

BOUDREAU of Portland

TALBOT of Portland

KENNEDY of Gray

Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (H-516).

Signed:

Senator:

CORSON of Somerset

Representatives:

BIRT of East Millinocket

DURGIN of Kittery

MACKEL of Wells

Three members of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Senator:

O'LEARY of Oxford

Representatives:

SHUTE of Stockton Springs

CALL of Lewiston

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

Which reports were Read.

Mr. Corson of Somerset moved that the Senate accept the Ought to Pass as Amended Report "B" of the Committee.

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair. Seeing how our Senators are so united in their stand, seeing that we have three of them on the committee, I wish somebody could explain the reports and their difference.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: Of course, actually what the Senate members of the Election Laws Committee wanted to do was give the Senate all sorts of options, so we came out with three reports and you can take your pick.

There is not much problem explaining Senator O'Leary's stand and it is not a bad stand, of course, Ought Not to Pass.

As to "A" and "B", basically both bills are solving the problem that the courts threw up that you have got to keep open-voter registration lists as long as possible so you will not deny people the opportunity to vote. It has been debated whether 90-30 or no days at all. So the Committee came up with the thought that a ten day cut-off period is a workable period, and basically both bills provide that anybody can register to within ten days of a general

election and that is the cut-off date. Report "B" says that if anybody becomes of age, 18, during this ten-day period they too can register right up to the day of election. The only difference between report "A" and "B" of any significance is that the 18s can register if they become 18 within the ten-day period. I have no objection, I don't believe the matter is extremely serious, and I would go along with Senator Corson's viewpoint.

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

Mr. O'LEARY: Mr. President, I will be very brief. I do not believe in cutting off any sooner than under the present law the opportunity to register and vote, and that is the reason for my ought not to pass. I would ask for a division.

The PRESIDENT: A division has been requested. The pending motion before the Senate is the motion by the Senator from Somerset, Senator Corson, that the Senate accept Committee Report "B". Will all those Senators in favor of accepting Committee Report "B" please rise in their places until counted.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

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

The PRESIDENT: 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 ordering a roll call please rise in their places until counted.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I don't feel personally that I have enough of an explanation regarding these three reports and I am wondering if the good chairman of the committee might enlighten the Senate further as to the difference between these.

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

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, I think the good Senator from Cumberland, Senator Berry, outlined rather well the differences in the bills. The problem we were seeking to address here is a problem that occurred during the last elections where there was absolutely no opportunity for the clerks or registrars to prepare voting lists which are up to date and which are accurate. There was also quite a bit of evidence presented at the hearing that with the wide open registration, up to and including election day, there were instances where people were registering and voting in several towns on the same day. This provides, under the current law, no opportunity for the registrars to check this out until after the damage, so to speak, has been done. There is no opportunity to check if there is any fraud going on in this case.

We felt that staggering it and recognizing the differences in small towns and large municipalities, and the time spans there, we are not really limiting anyone. If somebody can't register to vote before nine days prior to election day, they are probably not particularly interested. Of course, they can register on election day should they have moved into the community in that length of time or turned 18, and otherwise qualified to vote where

they were not qualified before this. And if there are specific questions that haven't been addressed, I would certainly be glad to try to answer them.

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

Mr. MERRILL: Mr. President, I am certainly not expert on this bill and I apologize to the Senate for taking the time in asking for a roll call, but I do think this is important, if it does what it seems to do, to me, and that is limit the situation where people can register and then thus be able to vote.

If the solution to this is being able to register on election day, if that is the panacea for the illness that this bill causes, I don't think that it is sufficient. In my city everybody has to go and register at City Hall, it takes a considerable amount of time, and a person has to have a very strong desire to vote to go through the situation. This year some people waited five or six hours to register to vote on election day, not because there weren't a lot of people there doing the job but because there were so many people who wanted to register to vote. I think that what we ought to do in our government is make it easier for people to vote and not create a lot of laws that make it very difficult for people to vote to take care of what I think are very remote and not very common experiences of someone taking advantage of the freedoms in regard to our election laws. I think that we are lucky in Maine to have a state that is free to the greatest extent from election fraud, and I don't think that it is necessary to limit people's ability to register to vote. As a matter of fact, I think we ought to be going in the very opposite direction.

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

Mr. CORSON: Mr. President and Members of the Senate: The problem that was addressed by the Senator from Cumberland, Senator Merrill, is precisely the problem we are seeking to correct with this legislation. The problem, according to all the information that we had from clerks and registers, was that everyone felt that well, I can always wait and register on election day. Consequently, you have these massive lineups, these five hour waits, which if people realized they had to register prior to election day they would have gotten in during the extended office hours which are authorized and mandated by this law, and would have gotten the registration procedure taken care of well in advance, and they wouldn't have had these five hour waits. So if this is the problem that the Senator from Cumberland is seeking to solve, then he would do well to support this bill because this is precisely the problem that is being addressed and the problem that is being solved by it.

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

Mr. ROBERTS: Mr. President, we had the same problem in Sanford, we registered 60 people on election day and the town clerk's office was just pandemonium. I was trying to get some absentee ballots in, and they had three people there to help but they were all so busy trying to rush these people that you couldn't get your applications.

We passed the law here a couple of legislatures ago to allow absentee ballots to be filed right up until the closing hour of elections; before that they had to be closed

at three o'clock, and it was just one God-awful mess — pardon the language. I mean, they tried their darndest to do the job, and they did the best job possible but it was an awful mixed up mess.

Now, here is another point. We have in our town Nasson College, which has an enrollment maybe of 600 people, and I am sure the problem is much worse in Bangor or Old Town and other places where they have a large university. However, we had 200 people come down on the last day of the presidential election and wanted to vote in the presidential election. We had no way whatsoever to tell how many of these, if any, had voted absentee in their home towns, which were in other states or other areas of the state, and the Secretary of State made a ruling that they could vote in that election for the president but not for any of the local officers, and that was done, but again there was no possible way to check.

I have probably had more recounts than anybody else in this hall, because while I was running for county office I had four different recounts. However, in one of them I was elected by 17 votes, after 16 months of recounts and court actions and so forth. Now, that 17 votes could very well have been lost in an election where you allow people to come in and register on the last day, especially where you are in a college town without anyway whatsoever of checking to find out whether they have already voted absentee in their own community. There is no way possible to do this and do it correctly, other than allow at least some time. And it seems to me ten days is the least you can allow for the clerks' office to do their job and also to check on people who are registering from out of state or out of the community.

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

Mr. O'LEARY: Mr. President and Members of the Senate: Under the present law, the registrars are able to close their books to registrations at certain intervals. In towns of less than 5,000, I think it is five working days, and 5,000 to 10,000 it might be seven or eight working days, and in towns of over 25,000 it is more working days. But what I am concerned with is those that may be coming eligible to vote within that period of time that have moved in and are going on vacation or something else. There is no way that we should deny anyone the right or opportunity to vote. We should do everything in our power to make sure they could register the second, third or fourth day before an election, if possible, and even then have the registrar keep a supplemental voting list so that everyone will have the opportunity and the right to vote.

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

The Secretary will call the roll.

ROLL CALL

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

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

ABSENT: Senator Katz.

A roll call was had. 17 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with one Senator being absent, the Ought to Pass as Amended Report "B" of the Committee was accepted in non-concurrence and the Bill Read Once. Committee Amendment "B" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Senate

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

Bill, "An Act to Continue the Commission to Prepare a Revision of the Insurance Laws Relating to Insolvent or Delinquent Insurers." (S. P. 453) (L. D. 1560)

Ought to Pass in New Draft

Mr. Cianchette for the Committee on Energy on, Bill, "An Act Creating the Maine Energy Development Fund." (S. P. 447) (L. D. 1558)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Concerning the Office of Energy Resources" (S. P. 549) (L. D. 1913)

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

Second Readers

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

House

Bill, "An Act Relating to the Transfer of Prisoners when a Jail is Unfit or Insecure." (H. P. 961) (L. D. 1215)

Bill, "An Act to Require the Filing of Estimated Income Tax Returns by Corporations." (H. P. 1569) (L. D. 1874)

Bill, "An Act Relating to the Binding of Logs and Revising Certain Fines." (H. P. 1629) (L. D. 1903)

Bill, "An Act Concerning Preliminary Hearing Aid Dealers and Fitters." (H. P. 1643) (L. D. 1907)

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

House — As Amended

Bill, "An Act Repealing Invalid Rate Provisions and Other Provisions of Questionable Validity Pertaining to Public Utilities Commission Jurisdiction over Sanitary, Sewerage, Sewer, Utility and Water Districts." (H. P. 1370) (L. D. 1808)

Bill, "An Act Concerning Preliminary Injunction and Temporary Restraining Order under the Labor and Industry Statutes." (H. P. 1385) (L. D. 1700)

Bill, "An Act Amending the Employment Security Law." (H. P. 811) (L. D. 973)

Resolve, to Appropriate Funds to the West Somerset Historical Society. (H. P. 1336) (L. D. 1646)

Bill, "An Act to Authorize Hancock County to Raise Funds for the Development of an Airport at Bar Harbor." (H. P. 1615) (L. D. 1895)

Bill, "An Act to Codify the Charter of the Portland Water District." (H. P. 1345) (L. D. 1802)

Bill, "An Act to Authorize the Withdrawal of the Town of Nobleboro from the Damariscotta-Newcastle-Nobleboro Community School District, also known as the Great Salt Bay Community School District." (H. P. 1612) (L. D. 1893)

Bill, "An Act to Permit the Board of Environmental Protection to Accept

Municipal Subdivision Permits in Lieu of Site Location Review and to Repeal the Minimum Lot Size Requirements." (H. P. 1272) (L. D. 1597)

Bill, "An Act to Amend the Charter of the Ogunquit Sewer District." (H. P. 138) (L. D. 176)

Bill, "An Act Relating to Benefits Under the Employment Security Law." (H. P. 1017) (L. D. 1297)

Bill, "An Act to Require the Carrying of a Concealed Weapons License when a Concealed Weapon is Carried." (H. P. 1301) (L. D. 1602)

Bill, "An Act Relating to Board of Trustees of Bath Water District." (H. P. 463) (L. D. 565)

Bill, "An Act Concerning the Applicability of the Sales and Use Tax to Inventory." (H. P. 904) (L. D. 1090)

Bill, "An Act to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-offenders." (H. P. 1114) (L. D. 1416)

Bill, "An Act to Exempt Lobster Fishing Boat Operators from Withholding State Income Taxes from Sternmen's Share of Proceeds." (H. P. 1246) (L. D. 1547)

Bill, "An Act to Enable the Department of Health and Welfare to Conduct a Program to Provide Free Drugs to Elderly, Disadvantaged Maine Citizens." (H. P. 1413) (L. D. 1683)

Bill, "An Act to Establish the Maine Vocational Development Commission." (H. P. 1458) (L. D. 1785)

Bill, "An Act to Cause the Aroostook County Commissioners to Hire a Full-Time Administrative Assistant." (H. P. 1362) (L. D. 1664)

Bill, "An Act to Provide Immunity to Persons who Voluntarily Render Emergency Care or Rescue Assistance." (H. P. 1648) (L. D. 1910)

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

Bill, "An Act Relating to Agricultural Fairs." (H. P. 1106) (L. D. 1395)

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-249, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Concerning the Transportation of Long Logs by Combination Vehicles." (H. P. 1166) (L. D. 1465)

Which was Read a Second Time.

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

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

Senate Amendment "A", Filing No. S-247, to Committee Amendment "A" was Read.

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

Mr. BERRY: Mr. President, I wonder if the Secretary will give the identification number of the amendment.

The SECRETARY: The amendment is Filing No. S-247.

The PRESIDENT: The Chair will rule in reference to Senate Amendment "A" that

this amendment is not germane to the legislation involved before the Senate.

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

Thereupon Committee Amendment "A" was adopted and the Bill, as Amended, Passed to be Engrossed in concurrence.

Bill, "An Act Concerning Home Repair, Salesman Licenses Issued by the Department of Business Regulation." (H. P. 1197) (L. D. 1493)

Which was Read a Second Time.

On motion by Mr. Thomas of Kennebec, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted and, on subsequent motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed and the Bill Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Which was Read a Second Time.

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

The same Senator then moved that the Senate reconsider its action whereby House Amendment "B" to Committee Amendment "A" was Indefinitely Postponed, and subsequently Mr. Trotzky of Penobscot requested a division.

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

Mr. CORSON: Mr. President and Members of the Senate: There seemed to be some confusion regarding House Amendment "B" when it was debated yesterday. It was stated that this was a mandatory imposition upon the municipalities and that many might not want to undertake this responsibility, and I would refer you to the second paragraph under section 473, where it clearly states that the municipalities may, if they choose not to exercise this authority, refer it back to the Board of Environmental Protection.

I would also like to point out that in no way is this going to be a weakening of our environmental laws, because when the permit is filed with a municipality it is also simultaneously filed with the Board of Environmental Protection. The Board has the primary responsibility and it can exercise its jurisdiction, if it so chooses, simply by notifying the municipality that on any particular permit they are assuming the prime responsibility and taking it out of the hands of the municipalities.

What this amendment will do is allow the municipalities to take care of some of these minor permit applications, thereby expediting the process. But in no way is it going to deny the Board the opportunity to take charge of any that it is particularly concerned about. What it will do is allow the Board to monitor all of the applications and decide, where it feels that the community cannot responsibly exercise this authority, that it can take the authority back upon itself. The municipality that chooses not to can leave the authority with the Board. So in no way are we accomplishing anything that is detrimental to the environment, and I would urge the Senate to vote to reconsider and then adopt House Amendment "B". Thank you.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to make an inquiry through the Chair. When did the Senate vote to indefinitely postpone the House Amendment?

The PRESIDENT: The Chair would advise the Senator that it voted yesterday to indefinitely postpone the House Amendment.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: Yesterday we discussed this amendment, and this amendment is only going to confuse the issue. The representative who put in this amendment also put in another bill, L. D. 395, and L. D. 395 was rejected unanimously by the Committee on Natural Resources.

What this amendment on the bill that we are considering right now does is completely eliminate the committee amendment. Now, yesterday as I stated, what the committee amendment does is state that if the municipalities want to handle these wetland permits that they apply to the BEP. The BEP will grant authority to the municipalities if the municipalities want to establish a planning board; two, have adopted some sort of zoning ordinance; and three, made provision and regulations for prompt notice to the Board of these applications.

It is the state's responsibility to administer the wetlands, to administer those lands below high tide. Now, the bill itself, first of all, it is mandatory on the applicant to apply to the town first. That is number one. Secondly, he also has to apply to the BEP. So what you have is double filing, two applications. And one of the things that we are trying to do right here is simplify applications. So we have two applications. Then if the municipality decides that that particular permit it doesn't want to handle, it then turns that permit over to the BEP.

Now, if you go on further to the second page of the House Amendment that was indefinitely postponed, if a municipality has a hearing — by the way, let me say, that at municipal hearings usually no records are kept, whereas at DEP hearings records are kept — if a municipality has a hearing and a permit is denied, the applicant can go to the DEP and ask the DEP to review that permit. If the DEP has a hearing, and the application is denied, then the applicant can go to the municipality. So what we are doing is putting the municipality against the applicant and causing more confusion by this house amendemnt.

Also a sheet was passed around to many of the Senators here with no name on it; it comes from the representative who put in this amendment. He makes certain statements here; for example, the committee amendment doesn't provide for appeal to the court for what constitutes a taking without compensation. Let me say that our state constitution protects against taking without compensation. Also in the environmental laws here there is a section on appeals, section 415 of title 38, which provides for appeal and so on. So this is not true.

Secondly, it reduces the time from a possible and unreasonable 90-day time period. Well, under the committee amendment, a municipality can make a decision within 30 days. Secondly, again, it appeals to prejudice here by saying in this statement that it helps the little property

owner who wants to move a few rocks. Well, a little property owner can move a few rocks but what this wetlands law does it prevents the dredging and ruining of our wetlands.

The committee amendment, I feel, is a fair and responsible amendment and it came out unanimous, so I hope that you will not reconsider the indefinite postponement of this house amendment.

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

Mr. CONLEY: Mr. President, I would like to correct one statement that the good Senator from Penobscot made. The fact is that at a wetlands hearing in our community there is a record kept, the entire meeting is on tape, and anyone can get a report on the actions taken at that public hearing. All this does, in my understanding, is that it does allow the municipal officials to grant the permit, and secondly, if people do object, they can appeal to the DEP.

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

Mr. BERRY: Mr. President, if what Senator Trotzky of Penobscot said is literally true, it would seem under Joint Rule 21 that this amendment can't be considered by this body because it was covered by another legislative document.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending the motion by Mr. Speers of Kennebec that the Senate reconsider its action whereby House Amendment "B" was Indefinitely Postponed.

Senate — As Amended

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)

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

Resolution, Proposing an Amendment to the Constitution to Provide for Determination of Inability of the Governor to Discharge the Powers and Duties of His Office. (S. P. 334) (L. D. 1120)

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

Sent down for concurrence.

Enactors

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

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

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

Orders of the Day

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

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

1520) Ought to Pass as Amended by Committee Amendment "A" (H-449).

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

Pending — Acceptance of Report.
(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-449).)

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

Mr. Wyman of Washington then moved that Committee Amendment "A" be Indefinitely Postponed.

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

Mr. CURTIS: Mr. President and Members of the Senate: Committee Amendment "A", under Filing H-449, was added by the committee at the suggestion of one of the members of the State Government Committee because he was concerned with the situation in which a county commissioner ended up being judge and jury in the municipal evaluation appeals board procedure. The statement of facts explains the amendment and I think it ought not to be postponed, at least until we have had some explanation as to reasons why there is something wrong with it. So I would request a division.

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

Mr. WYMAN: Mr. President and Members of the Senate: This particular amendment would disqualify all county commissioners and elective officials, and that would mean your county commissioners, your city councilmen, all these people would be prohibited from serving on the board. We have 500 municipalities in the state. If they all had selectmen, that would be 1500 people, and with your city councilors it would be more, and I think these people are some of the most knowledgeable people in regard to county affairs and county evaluations.

We do have a bill in Taxation which would provide for an appeal from the findings of the municipal evaluations appeal board. So if the worst happens and the board, due to some county commissioner or some city councilor who happens to be on the board, if they make a bad decision, it can be appealed to the courts. At present they can't, the municipal evaluation appeal board is final. So I don't think we should disqualify all these knowledgeable people, and I certainly hope this amendment will not be adopted.

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

Mr. CURTIS: Mr. President, it would be my understanding that there is presently an appeal provision anyway under Rule 80-B of the Maine Rules for Civil Procedure into the Superior Court. If somebody else who has worked on this piece of legislation from the Taxation Committee would like to correct me, I would be happy to stand corrected, but that is my understanding at the present time.

Another point I would like to make is that certainly municipal officials and county officials are cognizant and knowledgeable in this field, but for that very same reason they are the same ones that are likely to have a conflict of interest, and I would suggest that it is appropriate to

use other citizens as members of this appeals board.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Washington, Senator Wyman, that Committee Amendment "A" to L. D. 1520 be indefinitely postponed.

A division has been requested. Will all those Senators in favor of the indefinite postponement of Committee Amendment "A" please rise in their places until counted.

A division was had. 17 having voted in the affirmative, and 15 having voted in the negative, Committee Amendment "A" was Indefinitely Postponed in non-concurrence and the Bill Tomorrow, Assigned for Second Reading.

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

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

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

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

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

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

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

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

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

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

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

Mr. O'LEARY: Mr. President, would you have the Secretary read the Committee Report, sir?

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Majority Report of the Committee on Natural Resources, to which was referred the bill entitled, "An Act to Establish a Public Preserve in the Bigelow Mountain Area", (I. B. 1) (L. D. 1619), have had the same under consideration and ask leave to report that the same Ought Not to Pass. Signed, Representatives Curran, McBreaarty, Senator O'Leary, Representatives Ault, Churchill, Blodgett, Hall, Hutchings and Senator Wyman.

The Minority Report of the same Committee ask leave to report that the same Ought to Pass, and this is signed by Senator Trotzky, Representatives Peterson, Doak and Wilfong.

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

Mr. CIANCHETTE: Mr. President, I remember when we were talking about this before, there was a question raised about how much money this may or may not cost the state. I wonder if anyone has information relating to the possible cost and in what form to the State of Maine.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, has posed a

question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: This is not a common bill. It is a bill that came to us through referendum. I have looked at the constitution on this bill and also requested an opinion from the Attorney General's Office concerning the bill and state funds and so on. I would like to read part of this letter to you.

"You have asked us to comment on the above bill, An Act to Establish a Public Preserve in the Bigelow Mountain Area. The questions and answers are set forth below.

"1. Is the Bill unconstitutional because it fails to carry a time limit for acquisition of the Bigelow Preserve?" The Attorney General's answer is no.

"We know of no constitutional requirement that a time limit be imposed on an Act directing the acquisition of land by the State. Indeed, the omission of a time limit provides the State with the flexibility necessary for negotiations for acquisition of such a large amount of property. The inclusion of a time limit would permit reluctant land owners to hold out for an exorbitant price and not negotiate in good faith, safe in the knowledge that the State was under a statutory mandate to acquire the land by a date certain. The bill, as drafted, provides the necessary flexibility to enable the State to acquire the land for a fair price.

"2. Does the bill need an appropriation from the Legislature?" The answer is no.

"The bill, as drafted, is merely a directive to the Departments of Conservation and Inland Fisheries and Game to acquire the Preserve, using such monies as are presently already available to those departments or which may be made available in the future. Both departments may use monies from previously authorized bonds issued and/or matching grants from the federal government to begin acquisition of the land. In the event that those sources of revenues are insufficient, the departments may seek additional appropriations in the future to complete acquisition.

"3. Does the bill grant the power of eminent domain to either the Department of Conservation or Inland Fisheries and Game?" This point was brought up by the majority leader the last time. The answer is no, the bill does not grant the power of eminent domain.

"The power of eminent domain cannot be inferred or implied from vague or doubtful language; it must be expressly conferred by statute." He does mention "The Bureau of Parks and Recreation has eminent domain power, limited to acquisition of only 200 acres in any one park."

"4. Is the bill unconstitutional because it does not include a maximum amount, which may be spent in acquisition of the Preserve?" The answer to this one again is no. The Assistant Attorney General states, "We have been advised from inquiries to both Departments" — that is Fish and Game and Parks and Recreation — "that a combined total of approximately \$6,500,000 remains from previously authorized bond issues, which monies could be used for acquisition of this land."

Another issue that I brought up: "Does the bill require the State to acquire a fee interest in all lands designated to be in the Preserve?" In other words, does the State

have to buy the 40,000 acres outright in fee simple? And the answer to that is no.

The bill expressly provides that easements can be bought, that the property rights can be bought, instead of the land outright. Again, the reality of the situation is that we have 40,000 acres, 8,000 acres of which is owned by the Flagstaff Corporation. I have a letter here from the Parks and Recreation Department, and there were two appraisals done on the Flagstaff property, the 8,000 acres. One appraisal calls for about \$4,100,000, and the other one for approximately \$3,000,000, so it is between 3 and 4 million dollars, the appraisal.

Now, in the purchasing of park property the federal government will match the state. So assuming it is 3½ million dollars, if you take the average of the two appraisals, the State would have to come up with 1¾ million dollars to purchase the 8,000 acres. Of course, if this was agreed to by the Flagstaff Corporation.

Now, the other land is owned by the J. M. Huber Corporation, Hudson Pulp and Paper Company, Scott Paper, and Oxford Paper Company, and it is possible to get easements from these companies.

Another alternative we have is that the Bureau of Public Lands can trade public lots, and they can acquire possibly somewhere between 15,000 and 18,000 acres by trade.

Now, I feel strongly on this that Bigelow Mountain should be preserved. It is a 17-mile mountain range and it is quite beautiful. I have a letter here from the United States Department of the Interior, stating that the NRC was informed at its April semiannual meeting in Washington the National Park Service Advisory Board recommended to the Secretary of the Interior that he designate the upper portion, above 2,500 feet, of Bigelow Mountain a national landmark. It is recognized by many people through the State of Maine, as it is quite a beautiful mountain. It has two peaks over 4,000 feet, several lesser summits over 3,000 feet, two mountain ponds, a trail system, the Appalachian Trail which runs the entire length of the mountain. There is a Maine Forest Service fire tower on top of the mountain, lean-tos, shelters, and so on.

So I would urge the Senate to pass this bill. Over 43,000 people signed this referendum, and it in no way, do I believe, hurts the recreational development of the State of Maine. We have, again, Sugarloaf Mountain right across the way, which still can be more fully developed. We have Rangeley, we have Saddleback Mountain, which is half an hour to 45 minutes away. The State itself right now has Squaw Mountain, which can be more fully developed. So I feel it is Maine's second mountain and should be preserved for future generations to use in its natural state.

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

Mr. O'LEARY: Mr. President, I am not opposed to Bigelow Mountain as is as a preserve. What I am concerned about is the cost. And I am not sure just which deputy attorney general it is that we have this opinion from — I should imagine it is John Paterson, so I would suspect, where he is an environmentalist, that this would be on the conservative side.

What I am concerned with is that this bill says the Department of Inland Fisheries and Game and the Department of Conservation are hereby authorized and directed to acquire approximately 40,000

acres. Now, you have heard him say that this is approximately 17 miles long. And from all the testimony that was taken at our committee hearing, there were very few proponents for this piece of legislation — I would say perhaps in the neighborhood of seven or eight. There were the Friends of Bigelow, one man from the Sierra Club, two from the Appalachian Mountain Trail Club, two from the Appalachian Club, and a few college students from around the state that belong to some outing clubs.

However, I am concerned about this 40,000 acres of land that this bill calls for. I think if it was just the purchase of this 8,000 acres of land that the committee could perhaps possibly have reported out a bill with a bond issue that would take care of this, but our committee estimation, after listening to the testimony, was that it would be between 10 and 12 million dollars. So that is why we signed the Ought Not to Pass Report of the Committee.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I would like to correct the statement made by the good Senator from Oxford. The appraisals were not done by the Attorney General's Office. The appraisals were done by real estate concerns. They were appraised on highest and best use, and if any Senator would like to, these are public records and they can go up to see the Commissioner and take a look at these appraisals.

Secondly, at the hearing there were people, as I recall, from Portland, from Lewiston, they came from all over the state, and there were more than eight people. Most of the people there were for this bill.

The other thing, on the concern about 40,000 acres and the economy, again, it states specifically in the bill that timber harvesting will be allowed on the preserve in a manner approved by the Bureau of Forestry, so this bill in no way cuts into our forest resources.

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

Mr. CIANCHETTE: Mr. President, I am, to say the least, confused about this bill and what we are talking about here. We have heard appraisals for 8,000 acres of land, somewhere between 3 and 4 million dollars, and that leaves another 32,000 acres that I am not sure what we are going to do with. Are we going to make a deal with some of the pulp and paper industries or interests that own the land there? Are we going to somehow acquire this land and let them use it for harvesting timber and so forth? I think they would probably consider that a pretty good deal. If they could handle all of their land that way they might consider that a pretty good deal.

I am not sure what kind of revenue the state would be getting from this 40,000 acres. I am not sure what the benefits would be. Certainly we don't know what we are talking about for total costs here, and under this bill there is no way of knowing.

It seems to me very strange that here is an area of our wilderness that has been picked out and suggested as a development area of several hundred acres, and all of a sudden we have got to save Bigelow Mountain. I don't know what we are going to save it from because I don't think a development up there of several hundred acres is going to hurt the mountain at all.

Now, I am for referendum by petition. It is part of our system and I believe in it. And I think this probably should go to referendum as the petitions require. I find no fault whatsoever with that. But I think it would be highly irresponsible for this Senate to vote in favor of this legislation when we don't even know and have no way of knowing what the costs and implications are. I think we could boil it down to one simple thing: it is an attempt to stop a private recreational development in favor of a state-owned wilderness recreation area. I think it boils down to that, simply. If this development were to be on another mountain in the same mountain range, we would be then having a petition to save that particular mountain and no one would be thinking about Bigelow Mountain. I think that is what the whole question is about, and I certainly hope we vote against the pending motion.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I question whether in Governor Baxter's day the legislature would have approved setting a preserve in Baxter State Park, but today, many years later, we see how much the people of Maine appreciate that this was set aside as a natural preserve in its natural state.

Concerning responsibility here, there is a statement here which I went over quickly. This is from the Attorney General's opinion. "The Legislature is, of course, not committed to authorize such bonds or appropriations. This bill does not and cannot require future Legislatures to finance the Act."

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

Mr. CIANCHETTE: Mr. President, I would just like to make one more observation, and I apologize for not speaking to it the first time I was up.

I understand from the Senator from Penobscot, Senator Trotzky, that the department has something like 6½ million dollars in unused bond issue available to perhaps purchase this land. I have to raise the question of how in the world did the legislature vote that much money in the hands of the department over there, without a specific use for that kind of money? I just find it very strange that there is that kind of money laying around for the department to use at their whim.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: I might remind this body that some time back the State of Maine lured the corporation which is interested in developing this area to the State of Maine with promises of loans and one thing and another. They found that they don't need those loans, and I feel that that is no reason now to turn down their proposed plans for development.

With respect to the money and all of the things that this bill doesn't do, that the General's office tells us it doesn't do, the company involved here may or may not sell their land for 6 million dollars. They own 20 percent of the land involved. Let's carry that through — that is 30 million dollars. Now, this has been petitioned to referendum and that is where it is going to go if this bill fails of enactment. With respect to all of the things that it doesn't do, I certainly think that we should fail to enact it.

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

Mr. HICHENS: Mr. President and Members of the Senate: I fully agree with the philosophy of this bill. I think it is tremendous that we could establish public reserves in the Bigelow Mountain area and other areas throughout the state. But we have been faced with a like problem on a smaller scale in York County, and it has been a very hot issue in the last three or four months when it was discovered all of a sudden that a young man from Oklahoma, a Mr. Zahn, had been purchasing up areas of property around Mount Agamenticus and suddenly came out with a systematic plan to develop that area as a recreational and a housing area in the Towns of York and South Berwick. Immediately the people rose up in alarm and took a vote, about three weeks ago in each town, prohibiting Mr. Zahn from establishing that development. He has given them the alternative of buying his property for \$1,400,000. For two little towns like York and South Berwick it is just an insurmountable fee.

If we should pass a bill like this, we know that the towns will immediately go to the state and say, well, if you are going to purchase Mount Bigelow, purchase Mount Agamenticus. And other areas in the state are going to do the same thing. So as much as I go along with the idea of state preserves of this beautiful property we have within our state, I would have to vote against this motion this morning.

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

Mr. SPEERS: Mr. President and Members of the Senate: I think the legislature has been criticized, possibly unjustly, in the past for enacting legislation that is inadequately funded, and I am sure that the legislature has not intended to do this in the past. But here we have a situation which clearly indicates and on which that very issue is clearly drawn. If we are to go ahead and pass this, it would be an intentional passing of an act for which there is no funding available. It would be simply like the legislature passing a bill and telling the Department of Health and Welfare you go ahead and you operate all of these functions, all of these programs, and we will enumerate them all right down the line; you are authorized and directed to operate these programs, and you are authorized to get funding from whatever sources you may be able to find them. Now, I don't think that is being very responsible. And regardless of the merits or demerits of the proposal itself, I don't feel it is very responsible for the legislature to pass legislation, which is obviously going to cost the State of Maine money, which directs a department of this state to spend money without insuring the appropriation and that the money is available.

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

Mr. BERRY: Mr. President and Members of the Senate: Not to take issue with the Majority Leader, the Senator from Kennebec, Senator Speers, but I think he raises a very invalid point when he talks about passing legislation with no funding.

Yesterday this body passed legislation which was reported by the Department of Health and Welfare could cost the State of Maine millions of dollars over the next

biennium, and we passed that legislation with a \$1 fiscal note on it.

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

Mr. JOHNSTON: Mr. President, I would like to inquire through the Chair of the Senator from Penobscot, Senator Trotzky, as to who signed the letter that he has been quoting from today from the Attorney General's Office.

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

The Chair recognizes that Senator.

Mr. TROTZKY: Mr. President and Members of the Senate: The letter was signed by John Paterson, Assistant Attorney General of the Environmental Protection Division. And I very much resent certain people impugning the integrity of our Assistant Attorney General.

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

Mr. JOHNSTON: Mr. President, might I inquire of the Senator from Penobscot, Senator Trotzky, who the certain people are?

The PRESIDENT: The Senator from Aroostook, Senator Johnston, 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 just must point out that this is one more chapter in the Bigelow saga. This started out as an intended rape of the State of Maine by out-of-state interests who paid \$7.50 an acre for the land that we are now talking about. The opposition originally was to the proposed development, which the good Senator from Somerset, Senator Cianchette, of course would be very much interested in. It involved airports and massive developments of roads and so forth, and, you may recall, provided for a formation of a town under extraordinary circumstances as to the number of voters required to implement the town procedure. And the story went on with bonds backed by the name of the State of Maine, not legally, but by implication; bonds, incidentally, of the type which Moody's referred to when they downgraded the State of Maine bonds, with a moral contingency on the part of the state to finance.

Events took place far beyond the control of the lobbyists and the developers; namely, the recession and high interest money, and only to this can we attribute the fact that we do not have the beginning of a sprawling, ugly development on Bigelow. One question whether the financial picture has cleared enough for them to go ahead. Let's hope to God it hasn't and won't. Also, let's thank God for the provision of the Maine Constitution that can take the possibility of preserving this wonderful, wonderful area away from those people who can only see the buck.

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

Mr. CYR: Mr. President and Members of the Senate: I would like to ask the good Senator from Cumberland, Senator Berry,

if this area is being served by Rangeley Electric?

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

The Chair recognizes that Senator.

Mr. BERRY: Mr. President, I probably would have profited if this development had gone in, and it is amazing how some people find it impossible for me to take a position in opposition to this proposal.

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

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

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

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

The Chair would like the record to show that the Chair has refrained and will refrain from voting on this issue due to the possible appearance of a conflict of interest due to the Chair's connection with Sugarloaf Mountain Corporation. Senator Huber has also been excused from voting previously.

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate accept the Minority Ought to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Collins, Conley, Corson, Cummings, Curtis, Gahagan, Graham, Merrill, Pray, Reeves, Trotzky.

NAYS: Senators Carbonneau, Cianchette, Clifford, Cyr, Danton, Graffam, Greeley, Hichens, Jackson, Johnston, Katz, Marcotte, McNally, O'Leary, Roberts, Speers, Thomas, Wyman.

A roll call was had. 13 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with two Senators excused from voting, the motion did not prevail.

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

Sent down for concurrence.

(See action later in today's session.)

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

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

Tabled — May 29, 1975 by Senator Danton of York.

Pending — Motion of Senator Hichens of York to recede and concur.

(In the Senate — Passed to be Engrossed.)

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

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

Mr. DANTON: Mr. President and Members of the Senate: If you will remember, we debated this issue last week. It is about a center for the severely and profoundly mentally retarded. It is a bond issue. This bill wasn't introduced just for the sake of having a center in southern Maine; it was introduced because we need such a center.

Pineland, as has been proposed by the committee — and I want the members of the Senate to know that I am not in any way criticizing the committee, because I think their intentions are honorable — but Pineland and its buildings, to remodel one of those buildings there would take as much money as it would to build this new center.

This center would serve a number of purposes. If a mother didn't want to place her child in the center permanently, she could take and bring the child to the center and leave it there for four or five days, which would allow her to rest.

I hope you would vote against the Senator's motion. It is something that is needed. The Levinson Center presently has six of the 40 beds from people in York and Cumberland Counties, and I certainly think that this is needed. It is a bond issue, it will go to the people, and I know this state has taken great strides in providing for our mentally retarded, and I think they perhaps can decide whether we are entitled to a center or not.

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

Mr. HICHENS: Mr. President and Members of the Senate: I am not going to repeat the statements that I made the other day, except to reaffirm that I don't believe there is any member of this Senate who is any more concerned with the mentally retarded in our state, especially the profoundly mentally retarded, these youngsters under five years of age for which the Levinson Center was originally constructed there just as cheap as it can out and found out that we only have two youngsters under 5 years of age in the Levinson Center, which apparently isn't being used for the purpose which it had been constructed for with the bond issue that was passed a few years ago.

There is no reason whatsoever that Pineland cannot take care of these youngsters under 5 years of age. There is no reason whatsoever that a mother can't bring her child to a facility at Pineland and leave him there for a week or over a weekend, if it is necessary to relieve her of the pressures, and have the extended cares which are already provided at Pineland. A new building could be constructed there just as cheap as it can out in a community area, and we wouldn't have to purchase the land because we have acres upon acres that they don't know what to do with there being let out for farmland and for haying at the present time.

The committee has voted 12 to 1 in all of their studies and deliberations over the issue, and they feel it is in the best interest of the people to turn down this bond issue at the present time for this facility. As you noted on the paper that I had distributed this morning, the Portland Press Herald, the editor — and I don't always agree with the editors, you can be sure — has surveyed the problems around, and they too do not see the feasibility of building a new unit at this time.

At the Pineland Parents meeting last Sunday afternoon a unanimous vote was taken against this bond issue. These are parents who are concerned, parents who

have fought and deliberated with the issue for many years, and they do not see the feasibility of it at this time. So I hope that you will accept my motion.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: I would like to rise this morning and support the motion of the good Senator from York, Senator Hichens, to recede and concur.

The facilities at the Pineland Institute are presently under-utilized, and in response to the remarks of the Senator from York, Senator Danton, they are undergoing reconstruction and reutilization of facilities down there. There is a construction program going on to remodel several of the buildings and it is in an advanced stage of construction at the present time.

Pineland is underutilized not only in terms of facilities but in terms of space and programs available. At the present time there is segregation by age group and by degree of mental retardation at Pineland.

I do not believe that we should pass this bill at this time because the Department of Mental Health and Corrections is presently undergoing a study of the comprehensive statewide delivery of health care, mental retardation and correctional services to the State of Maine, and until that plan comes out I think it would be premature to impose the construction of a new facility on that Department of Mental Health and Corrections. So I hope you would support the motion to recede and concur.

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

Mr. CONLEY: Mr. President, obviously, as one of the cosponsors of this particular piece of legislation, I wish to rise in support of the good Senator from York, Senator Danton.

One thing is that at present there is the Levinson Center, which is the only facility in Maine which provides residential accommodations for children under 5 years of age. Pineland doesn't. And at present, contrary to the figures given by the good Senator from York, Senator Hichens, six of the 46 beds at the Levinson Center are occupied by children from York County. With this considerable distance involved, parents of severely retarded children in southern Maine are without adequate facilities, particularly in terms of respite care which is required by some children.

Let's go back and look at the Pineland situation. For children above the age of 5 there is that possibility of Pineland. The Bureau of Mental Retardation states, however, that Pineland presently has about 140 residents located in buildings with inadequate fire, safety, and health standards, and the cost of renovating these buildings is 1.4 million dollars. This is greater than the cost of constructing new community facilities, according to the Bureau.

Now, members of the Senate, I don't wish to continue to drag this issue on, but I think there is a certain amount of fairness and fair play that must be given relative to this bill. First of all, I think we must recognize the fact, as the good Senator from York, Senator Danton, pointed out both today and in last week's debate, that unfortunately this problem hits everywhere, and there are many, many

people in southern Maine and central Maine who do not have the adequate facilities such as at the Levinson Center to be able to take care of this problem.

When I went down to present this bill before the Committee on Health and Institutional Services, there was not one opponent — not one opponent — who appeared before the committee.

Secondly, we must discuss Camp Waban in southern Maine, which does a very excellent and fine job in working with the retarded children in that area. I must also state, as I stated the other day, that they offered to the Department of Mental Health and Corrections 30 acres of land for the sole purpose of building this facility, that we are discussing here today. But because of the philosophy that the department has adopted, they feel today it is far more important to bring these children into the area of metropolitan centers near hospitals where they can get attention, and where they can bring the problem of retardation out into the communities where people can actually get an idea of what this thing is all about.

Now, the good Senator from York, Senator Hichens, speaks of a committee report of 12 to 1. Well, I wish you would take out your little book that is distributed every year and look into that committee and see what the makeup is and the geographical locations of the state that they come from. I would ask the Senator from York, Senator Hichens, if he is a member or on the board of Camp Waban. I would ask the members in the House from York County if they are members of Camp Waban Associates. Now, I think it is too darn bad that a committee has to become so parochial in its judgment of a fine piece of legislation that is going to bring services to these children that they will be unable to receive them unless these facilities are built.

I would hope that the Senate this morning would vote against the motion to recede and concur, and then move to insist and allow the other branch to reconsider its position.

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

Mr. MERRILL: Mr. President and Members of the Senate: There has been a lot said in the few days that we have debated this issue. One of the things that has been said is that the Maine Association of Retarded Citizens isn't strongly interested in this bill. I am one of the directors of that organization and I can assure the Senate that they are, that they are very strongly interested in this bill, and I would like to say briefly why for the edification of the Senate.

I had the opportunity of attending briefly the special Olympics which were held in Portland this Friday and this Saturday. These Olympics were set up out of the generosity of the Kennedy Family nationally, and they provide that these retarded citizens of Maine and of the nation have a chance to participate in athletic events and have a chance to mature and develop. And the event that they mark really marks a change in philosophy about how we are going to deal with those citizens among us who are retarded, a philosophy that has changed markedly since the Pineland Institution was conceived. The philosophy at that time was that these people that were born retarded would be put away somewhere and they would be locked up like vegetables as far away from society as

possible so that we wouldn't be reminded of our own humanity and of the tragedy which surrounds us.

As a parent who awaited anxiously the birth of the first child this year, and as a person who has had close association with retarded people, I can say that I think I went through what every parent goes through immediately preceding the birth of my child, and that is the strong prayer that the child would be born healthy. And I think that having had the opportunity that I have to know the parents of children whose prayers in this regard weren't answered, I think I know the special kind of situation that we put them in today. The situation is this, that if they have obligations to other members of the family, oftentimes these retarded children make such great demands upon the parents that they can't give the attention, they can't give the consideration and the time to the other members of the family, the normal members of the family, if they are to keep these retarded children in their homes.

The alternative that they are faced with in far too many situations is to have these children put in a situation where it is impossible for them to visit them for long periods of time and it is impossible for them to carry on something between just putting them away and keeping them in the home situation. And for the parents who have a strong desire to remember that they are the parents of this child and to act accordingly, this is a tragic situation which often results in them keeping them in the home, much to the detriment of the normal development of the other children in the family.

Therefore, I strongly am in favor of this bill. I think it is a small but very humane step towards better treatment of these citizens among us. And I would hope that the logic of the Senator from York, Senator Danton, and the Senator from Cumberland, Senator Conley, would prevail here.

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

Mr. CONLEY: Mr. President, when the vote is taken I request it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: In answer to some of the well, I will call them accusations, made by the good Senator from Cumberland, Senator Conley, I am not a member of the board of Camp Waban and I am not speaking in any way for Camp Waban. I know of some of their concerns, I know of some of the approaches they have made, but I have not been influenced one way or the other by the directors of Camp Waban or any of their associates. I am a member because I contribute, as most of the people in York County, including the two Senators from York County, I believe, who also contribute and are members of Camp Waban as a result.

I am also a member of the Special Olympics Board and was there for the opening exercises last Saturday in Portland, and I again reiterate that I am very much concerned. I am concerned with the parents, and I think I have expressed that concern on many other issues, and it is where I got the reputation of having a vendetta perhaps against the Mental Health and Corrections Department, because I have been so much

concerned with the welfare of the patient and of the parent.

I still believe that establishing this center at Pineland is of far greater advantage then putting it out into the community. Already, I believe, we are trying to force the community to accept too much by putting these patients out into the areas and forcing people to accept them. You just can't force people to accept a condition they don't want to accept voluntarily.

I wonder how many of the Senators present have ever been to Pineland. I know that is a thing that is expressed to me over at the state hospitals when I visit there quite often, and over at Pineland when I visit there, why in the world don't some of the legislators come down and see what is going on around here. I am not going to ask personally for each one to identify whether he has been there or not, but I believe that many of you do not know what goes on at Pineland and the beautiful area that is eventually going to be surrounded by habitation more than it is now. It is not too far away to be accessible for anyone in the Portland area.

Without any further comments on this, I certainly hope that you will go along with my motion.

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

Mr. BERRY: Mr. President and Members of the Senate: It has been mentioned this morning that the committee report was 12 to 1. I was one of those 12. But since that time — and I don't really apologize for my action, because at the time it was taken, as you all know, bills come through committees quite rapidly and we don't have the opportunity to go out and look at every particular situation, so I relied upon the knowledge of others. Then I had the time and I took the time to go to Pineland and I made a tour of that facility. While I was there I saw all the conditions that have been described here this morning, and I agree with them all.

Senator Hichens says he can't understand why legislators let things like that exist. I asked a lot of questions while I was at Pineland, and whether it was trash that was collected in a corner of the kitchen or whether it was bedding that was torn, the same answer was that the legislators don't give us enough money. But the most important thing was the people that I saw at Pineland. I didn't see any individuality there or any particular aide taking care of any particular person, so I came back and I read L. D. 623 again. But as I walked through the halls of Pineland, realistically and honestly a phrase came to me that we have heard in these chambers and we are all familiar with. "There has to be a better way." And when I came back and read the bill I came in and I am ready to support 623. Thank you.

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 members present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from York, Senator Hichens, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Carbonneau, Collins, Corson, Cyr, Gahagan, Greeley, Hichens, Huber, Jackson, Katz.

NAYS: Senators E. Berry, R. Berry, Cianchette, Clifford, Conley, Cummings, Curtis, Danton, Graffam, Graham, Johnston, Marcotte, McNally, Merrill, Pray, Reeves, Roberts, Speers, Thomas, Trotzky.

ABSENT: Senators O'Leary, Wyman.

A roll call was had. 10 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Insist.

Reconsidered Matter

Mr. Cianchette of Somerset moved that the Senate reconsider its former action whereby the Majority Ought Not to Pass Report of the Committee was accepted on Bill, "An Act to Establish a Public Preserve in the Bigelow Mountain Area." (I.B. 1) (L. D. 1619)

A viva voce vote being in doubt, a division was had. 10 having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

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

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

Tabled — May 30, 1975 by Senator Reeves of Kennebec.

Pending — Consideration.

(In the House — Indefinitely Postponed, in non-concurrence.)

(In the Senate — Receded from Passage to be Engrossed.)

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

Mr. REEVES: Mr. President, this bill seeks to equalize the treatment which high school students receive from guidance counselors. Right now only those who plan to go to college get the assistance that they need. The Senate voted in favor of this bill on May 14th because we have an unemployment crisis and because 60 to 70 percent of our high school students go to work from school as graduates or dropouts, and their rate of unemployment now in the State of Maine is over 20 percent.

These high school graduates would be eligible to apply for entry level jobs which are listed on the state job bank, approximately 1,000 on any given day, but the students need to know how to apply, how to fill out the forms, how to conduct an interview, how to create a good impression, how to follow up. In other words. The students need to be introduced to the world of work.

Anyone who has tried to hire a high school student, for example, knows the need for this bill and the assistance it offers, yet while some schools are already doing this, offering this assistance, and others are willing to start, there are some who because of L. D. 1994 and other problems cannot allocate the resources and staff at this time. And I am against any appropriation for this bill because we don't have the money and because I believe it can be done from existing resources. So as a compromise, because I believe this is an emergency measure, I am offering this amendment, Senate

Amendment "A", which I believe will satisfy most of the objections raised against this bill.

The first part of this amendment provides for assistance from the Employment Service, and this has been suggested by the Manpower Commission and offered.

The second part allows for those schools which, even with this assistance, find they cannot participate at this time to be exempt until such time as they are able.

Mr. President, I offer Senate Amendment "A" to L. D. 1609 and moves its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Reeves, now offers Senate Amendment "A" to L. D. 1609 and moves its adoption.

The Secretary will read Senate Amendment "A".

Senate Amendment "A", Filing No. S-252, was Read.

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

Mr. SPEERS: Mr. President, I would inquire whether or not the amendment has been reproduced and distributed?

The SECRETARY: The amendment has been reproduced and distributed pursuant to Senate Rule 11-A, June 3, 1975, Filing No. S-252.

Thereupon, Senate Amendment "A" was Adopted.

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

Mr. Katz of Kennebec then moved that the Bill be tabled and Tomorrow Assigned, pending Passage to be Engrossed, and Mr. Reeves of Kennebec subsequently requested a division.

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

Mr. McNALLY: Mr. President, a parliamentary inquiry: How do we know what this amendment does when we don't have it?

The PRESIDENT: The Chair would inform the Senator that this amendment should be on the desks before the Senate.

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. Reeves of Kennebec then withdrew his motion and the Bill was tabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

House Reports — from the Committee on Agriculture — Bill, "An Act to Repeal Milk Control Prices at the Retail Level." (H. P. 208) (L. D. 267); Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-471); Minority Report — Ought to Pass.

Tabled — May 30, 1975 by Senator Speers of Kennebec.

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

Thereupon, on motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

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

On motion by Mr. Speers of Kennebec, Recessed until 2:30 o'clock this afternoon.

After Recess

Called to order by the President.

The President laid before the Senate the seventh 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 30, 1975 by Senator Katz of Kennebec.

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.)

Mr. Hichens of York then withdrew his motion to Recede and Concur.

On motion by Mr. Gahagan of Aroostook, the Senate voted to Recede from its former action whereby the Bill was Recommended to the Committee on Health and Institutional Services.

On further motion by the same Senator, the Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and, under suspension of the rules, the Bill given its Second Reading.

The same Senator then presented Senate Amendment "A".

Senate Amendment "A", Filing No. S-257, was Read.

Thereupon, on further motion by the same Senator, tabled until later in today's session, pending Adoption of Senate Amendment "A".

The President laid before the Senate the eighth 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 30, 1975 by Senator Curtis of Penobscot.

Pending — Final Passage. (In the House — Finally Passed.)

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

Mr. REEVES: Mr. President, I have an amendment that is being printed now and it will be ready in a few minutes. I would like to have somebody table this until later in today's session.

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

Thereupon, on motion by Mr. Curtis of Penobscot, tabled until later in today's session, pending Final Passage.

The PRESIDENT: The Chair would ask the Sergeant-at-Arms to escort the Majority Floor Leader to the rostrum.

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

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

HOUSE REPORTS — from the Committee on Education — Bill, "An Act Relating to School Dropouts and to Potential School Dropouts." (H. P. 1442) (L. D. 1702) Majority Report — Ought to

Pass; Minority Report — Ought Not to Pass.

Tabled — June 2, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Katz of Kennebec to Accept the Minority Ought Not to Pass Report.

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-571).)

Mr. Gahagan of Aroostook then requested a division on the pending question.

Thereupon, on motion by Mr. Conley of Cumberland, retabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

Senate Reports — from the Committee on Natural Resources — Bill, "An Act to Clarify Standing before the Board of Environmental Protection." (S. P. 352) (L. D. 1152) Majority Report — Ought to Pass as Amended by Committee Amendment (S-242); Minority Report — Ought Not to Pass.

Tabled — June 2, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

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

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

Mr. TROTZKY: Mr. President, I request a division on that motion and I would like to speak to the bill.

The PRESIDENT pro tem: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: This bill concerns the procedures of the Board of Environmental Protection at its hearings. What the bill attempts to do is end the oral cross-examination of intervenors.

I would like to briefly explain what happens at a hearing. At a hearing of the BEP the applicant presents his case, he is then questioned by the Board, then questioned by the staff, and then the intervenors are able to cross-examine the applicant orally; the intervenors present their case, they are questioned by the Board, by the staff, and the applicant can in turn question the intervenors. It is a very balanced and a very fair system.

What this bill will do is prohibit the intervenors from orally cross-examining the applicant. What it states is that they must submit their questions to the chair in writing and the chair, at its discretion, can ask those questions if they are pertinent.

Now, in the past what has taken place because of questioning by the intervenors, for example, it was such questioning by the Citizens for Safe Power, for instance, that first pinpointed the hot water problems of the Maine Yankee Atomic Plant at Wiscasset that eventually led to the requirement that a causeway be removed and an expensive underwater diffuser be installed. For those of you who have taken that trip to Wiscasset and seen the plant, they are installing that diffuser. This was due to oral questioning by the intervenors.

Secondly, similar questioning by opponents of the Pittston Company refinery plans at Eastport attempted to cast doubt on the ability of Pittston to

clean up oil that might be spilled in the swift tidal currents of Cobscook Bay where the refinery's supertanker pier would be located.

So these two examples show that it is important to allow the intervenors to cross-examine orally. Right now the Board of Environmental Protection, because of delays in the hearing — and there have been delays and they have been admitted — is working out procedures whereby the intervenors will be consolidated or joined in their appearances if their contentions are substantially similar, so you can't have the delay that has been going on at times.

This method of trying to gag the intervenors, to me, is not a democratic way of doing things. We here in the legislature argue many bills. Everybody has a chance to get up and speak. The committee chairmen don't have the prerogative here to get up and speak and others who are not on the committee, for example, have to address questions through the Chair. So although our hearings may not be the most efficient, this is the price that we pay for our freedom in our democracy, and I hope that this bill which tends to gag the intervenors will be defeated.

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

Mr. DANTON: Mr. President and Members of the Senate: As I just read the bill, I think the only thing that this bill prohibits intervenors from doing is cross-examining and having the right of appeal. As far as their speaking at your hearings, it allows them to do that. If I am wrong, I wish the committee chairman would get up and correct me.

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

Mr. TROTZKY: Mr. President and Members of the Senate: Right now the intervenors have the right to orally cross-examine. What the bill does is not allow the intervenors to orally cross-examine. It makes them submit their questions through the presiding officer, who then decides whether the questions are pertinent or not, and then he has the discretion of whether to ask them or not. But yet the applicant does have the right, under this bill, to orally cross-examine the intervenors, to try and discredit the intervenors.

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

Mr. O'LEARY: Mr. President and Members of the Senate: Let me read to you a statement made at the NEECO hearing by BEP member Douglass, who is also an acknowledged air pollution expert from the University of Maine. This is at the NEECO hearing, and this is right from the testimony and such, the minutes of that hearing:

"CHAIRMAN ADAMS: Are there any other questions from members of the Board? Yes, Mr. Douglass.

"MR. DOUGLAS: As a new member of the Board, I should like to go on record as saying that I recognize the importance of intervenors in a hearing of this kind. I think it was Will Rogers who said that all of us are ignorant; it is just that we are ignorant about different things. Each of us, Board members, intervenors, and members of the public, bring to our consideration of the issues our different concerns and special knowledge. The

Board members cannot be aware of all the effects which a project such as this application will have. Now, the intervenors can be very helpful to the Board members in calling to their attention matters which should be considered in making an ultimate decision.

"Now, here again I speak as a new member of the Board in his first long hearing of this kind — and perhaps new members should remain silent, but I am not famous for that — and I should like to protest the manner in which the cross-examination is taking place. The asking of interminable repetitive questions on matters of doubtful or trivial relationship to the issues constitutes a waste of time for the Board and an unjustified cost to the state. As far as I personally am concerned, I consider this an imposition. Beyond a certain point the questioning becomes counter-productive.

"You may be correct, Mr. Chairman, in not attempting to restrict the intervenors in their opportunity to question the applicant. I am convinced, however, that this privilege is being abused.

"CHAIRMAN ADAMS: Thank you, Mr. Douglass. For the Chair, I would add that doing a hearing of this type under any circumstances is difficult. I personally, and I feel the Board as a whole, have a sincere interest in seeing that the public is given every opportunity for participation and input to it. I think that comes from you and all of the Board members. I don't think that has ever seriously been questioned by anyone. As Chairman, I have a second responsibility, and that is to attempt to run these hearings in such a manner that the Board's decision, when it is reached, is one that has been reached from all of the information that can be gathered and that all parties have had a fair and equitable opportunity to testify and question, so that appeals will not stem from any attempt to quash questioning. And it is on that basis that I am rather lenient in questions and do offer the opportunity, almost unrestricted."

I am very proud to be a sponsor of this bill. It is a good fair piece of legislation which will correct a dangerous situation created by a vocal minority which threatens the reputation and economic future of this state. The situation to which I am referring is that which Board Member Douglass complained of, which we have all heard about time and time again and which I have witnessed, where a person or group with no direct interest or stake in an environmental proceeding is allowed to prolong the hearing and use whatever tactics are available to prevent the application from moving forward. These groups have no concern for the economic health of the community involved or the state.

I personally sat through hearings on the International Paper Company's proposal for an expansion at Jay, where an undergrad student group from Orono and a Law School group from Portland were among those allowed to intervene and endlessly cross-examine each and every witness. A huge crowd of local people appeared to support the application because they wanted the extra jobs that the expansion of this long existing mill would provide. By their support, the people in the area agreed that the mill has been a good neighbor and that its expansion was desirable. Yet PIRG, a student group, was given a free hand to harass and antagonize the responsible

company people who were only trying to do their job. This harassment on several occasions nearly motivated the company to forget about it.

The DEP approved the expansion, and PIRG, joined by a newly organized law student group, which also was allowed to intervene, has filed five appeals to have the DEP approval rescinded.

Under today's economic conditions, we must think long and hard about any procedure which allows a student group to play games with the jobs of Maine citizens. Don't be misled about this bill, however. It will not change a single thing as far as those who might be directly and substantially affected are concerned. Such persons, called "parties" by the bill, retain full rights to orally cross-examine, receive copies of applicants' papers and supporting data, and to present their own testimony. Those who are not directly and substantially affected by the proceeding, such as the student groups, but can demonstrate that they have an interest in the proceedings, are called "intervenor" by the bill, and they are specifically allowed every right that those with a direct and substantial interest have except for the unlimited oral cross-examination. Even here, however, we have attempted to provide a means for some cross-examination by written questions through the chairman of the hearing. In short, all rights are preserved for intervenors except those who are not directly and substantially affected or do not have unlimited license to cross-examine.

It is time the huge staff of the Department of Environmental Protection began to participate in these hearings and began to ask pertinent questions that are technical. This is their job and the right of those who are directly and substantially affected. It is not the privilege of the student groups with no concern for jobs in this state. It is time we all stood up and made decisions based upon what is good for the greatest number of people, and not the vocal minority. It is time we stood up and listened to what others are saying.

Clifford Goodall, formerly Executive Director of the Natural Resources Council, admitted in testimony before our committee that intervenors in one hearing had a predetermined tactic of delaying the hearings by endless cross-examination — predetermined.

I have already told you what a distinguished professor and acknowledged air pollution expert from the University of Maine, and who is a member of the Board of Environmental Protection, said about this cross-examination. And I saw it myself at a third meeting.

The tactics of CRAC, PIRG and FOIL, and Citizens Against Ruining the Environment, Citizens for Safe Power, the Coastal Resources Action Group, and all the others are giving us a bad name. This was well summed up in an article appearing in the Maine Sunday Telegram on May 11, 1975. The President of the largest bank in the world, the Bowery Savings Bank, said that this state really doesn't want new industry or business. A large Japanese company said why should we fight for a refinery or some other project there when Maine doesn't seem to want our business. This bill, the Sobin Chemical Bill, and others like it might change our reputation a little bit.

Now, I would submit to you that it is the job of the Board of Environmental Protection to cross-examine the witnesses. This bill has been before our committee

since January, and it is through the efforts of our committee that the Board of Environmental Protection has finally realized that they have to do something because the people are concerned and they do not want to pay for this endless cross-examination by intervenors and those who would wreck or ruin.

There is an article that was from May 15th, distributed by the good Senator from Penobscot, Senator Trotzky, streamlining the DEP. They are going to hold hearings to do pretty near what this booklet says and, what this bill says. Now, what this bill says is that they will not promulgate these rules and regulations and then change the ballgame rules after we have gone home. This pins them down and they will have to perform.

There was another article in the Maine Sunday Telegram, May 11th: "Maine's image of late has not been doing well."

I will submit to you that this morning you heard that a deputy attorney general, who is the Attorney General for the Department of Environmental Protection, is working very closely with a member of one of these groups to do something else with the rules and regulations, and one of the things would be to allow intervenors a full and unrestricted right of oral cross-examination — full and unrestricted — and this is what we are liable to have once we go home — to give intervenors a new right to demand of the applicant at a conference held sometime prior to the hearing a list of witnesses and all background and raw data prepared by the applicant. It allows the intervenors to wait until the first day of the hearing to provide a similar list to the applicants. It gives intervenors the new right, in addition to unlimited cross-examination, to require applicants to answer written questions submitted by the intervenors before the hearing. And it would also, under another proposal coming along, allow any member of the environmental group to testify or ask questions of the applicant, but specifically prohibits — specifically prohibits — employees of the applicants from asking questions of intervenors or publicly testifying.

Now, I would submit to you that we have an opportunity here to do something that is good for the image of Maine when it comes to looking for jobs. If you will take the time to read this Committee Amendment "A", you will find that the public has a right that it never had before, the right to submit questions through the Board. It had no right whatsoever before to do this, and this is something that we are giving to the public. This is a good bill and I would submit to you that it is something we should do. We will take the right to promulgate certain rules and regulations applying to the conduct of the Board of Environmental Protection in its hearing process to be limited to the way this bill is written. Thank you.

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

Mr. ROBERTS: Mr. President and Members of the Senate: As you in this part of the state and other parts of the state have been reading about the various hearings that have gone on seemingly indeterminately with respect to Pittston, we have had a few hearings down in Sanford with respect to the New England Petroleum Company that was trying to put a plant in there.

Originally, as you perhaps know — I think I may have told you at the session two years ago — Sanford voted 4 to 1 in

favor of attempting to have an oil refinery in that community. Now, we have had hearings week after week down there. We have an outfit by the name of FOIL, Friends of Intelligent Land Use, it is called, which consists of 90 percent of non-resident people who are doing all they can as intervenors to delay this. I happen to know the attorney personally and he as much as told me that that is their prime purpose, to delay and delay until everybody either runs out of money or gets discouraged and quits.

Under the present situation, Sanford, even though they are the one that is immediately affected, the public there has very little to say in this hearing, yet FOIL, because it has got a bit of money together, has an attorney and they have gone in and spent day after day, as the good Senator stated, in continuous cross-examination.

Now, it seems to me that what we are doing here, or have been doing, is getting confused between the parties and the people that may have an interest in something to say. Now, I am perfectly willing that as many intervenors as want to intervene be given the opportunity to intervene at the original hearing, and it seems only proper that some limitation or somebody decide on whether or not their questions are going to be to the point and germane and, therefore, it seems to me that this is the way to do it, to have their questions submitted beforehand. And they certainly, I don't believe, have any right or should have any right to appeal. If they are doing their service, which is what they think they are doing, they are trying to get facts before the commission. Once they have the facts before the commission they have done their job. They are not here to battle and battle. That is the commissioner's job to decide what the decision should be, and the parties decision to appeal if they are not satisfied and eventually go to the courts. That is the way our system has run up until now.

It also seems that when I was a boy and went to law school, a good many years ago, we had a thing called moot court, and it seems that the young attorneys had these mock trials before generally superior and supreme court judges in Massachusetts and other places where they tried their cases. Now these young attorneys, or young law school students rather, go into these hearings because they are wide open to everybody, and they cross-examine and try to make out like in my day we tried to make out like Clarence Darrow. I don't know, they probably make out like Mr. Bailey now, but in any event, this isn't the place for them, it isn't the place, in my opinion, for the intervenors to have party status and be able to appeal all the way. It seems we are getting to the ridiculous, even though I realize these are important things, when the record of the evidence and the information that is before one of these things, when it begins to run up to the point where you have to have what amounts to a Mack truck to carry the information from one place to another, we have really gone overboard. When we have one, as happened not too long here in Augusta, within the last month, we have one person who is on the stand for cross-examination for slightly over a week, I mean, we have just gone from the sublime to the ridiculous, and I believe that this bill will put us back into proper perspective.

The PRESIDENT pro tem: The pending motion before the Senate is the motion by the Senator from Oxford, Senator O'Leary,

to accept the Ought to Pass as Amended Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: The definition of "parties" is those directly and substantially affected by the outcome of the proceedings. These parties are allowed to cross-examine. Now, I assume that somebody who is directly affected by the outcome of the proceedings, such as Pittston or the nuclear power plant at Sears Island, is some local resident who may live near the site of the power plant or the site of the refinery, and I will state that I think even if this bill passes what will happen is that somebody living near one of these developments will just hire the attorney for FOIL or CRAC or any of these organizations which the good Senator opposes. So I don't think the bill is going to do the job.

But essentially what it is saying is "gag the intervenors", and I think that what you have seen is extremes here. I agree with what Senator Roberts said and also what Senator O'Leary said, that certain groups should be limited, but this is up to the discretion of the chairman of the board, but this bill doesn't leave it up to his discretion, it gags these people; they do not have the right to cross-examine.

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

Mr. JOHNSTON: Mr. President, for those of us who have read the bill, and I am sure that we all have, it is a fairly simple bill and I think it is a very important bill. It deals directly and substantially with Maine's future. I don't believe that the future of this state's economy can or should be determined by any state agency. I think the legislature must take an active role now.

It is very clear in this bill that it gives every conceivable right to those people that are directly and substantially affected, and it gives those who are not directly and not substantially affected the same right, except that they can't prolong the questioning, they can't filibuster. I just hope we pass this bill.

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

Mr. MERRILL: Mr. President and Members of the Senate: I testified for this general concept when a bill similar to this in its first draft was presented to the Natural Resources Committee, and the reason that I did and the reason that I support the general concept of this bill is because I think when we reflect upon our environmental laws we realize that what we are doing is, in a sense, quite drastic. We are saying to a person who has invested money in land, has invested some money in making plans for that land, that he can't do what he wishes to do with that land, in spite of his investment, unless the state says it is O.K.

I think that that is a good idea and I favor that approach, but at the same time I think when looked at in its bare fundamentals the least that we can do for that person is to assure him that the determination will be made in as expeditious a way possible and still allow everybody to have what input they can have and be of benefit to the decision-making process.

Now, if someone simply has a statement to make, such as I don't like what this thing is going to do and then sit down, I think that is provided for as a member of

the public under this bill. If somebody has something more to provide to the decision-making process, then I think they should have to do something more than just walk in. And that is why I favor part 4 of this bill, which applies to parties and to intervenors, which provides that some sort of written brief has to be presented by those parties which wish to intervene or to be parties before they will be given a chance to engage in an active way in the process. I don't think that that is unreasonable and I don't think that runs counter to the other things that have to be done.

There is one more thing I think should be pointed out with regard to this bill — and I do have a few minor problems with it and I intend to give them some consideration as this bill goes through the legislative process — but speaking now generally about the bill, as I think we should be, because we will have other chances to deal with it, it was said and admitted by both sides at the hearing that even though there are for the board those tools necessary to properly limit people from intervening in these hearings that should not be, that those tools have not been used up until now. And I think it is too bad sometimes when these safeguards aren't taken advantage of before we, the legislature, feel the need to do something about it. Frankly, I am convinced that this would be best left to the people who are engaged in the situation, and that is the board. But I am equally convinced that the situation has been allowed to be abused and that we in the legislature would be remiss in our duties if we didn't take some corrective action. So I am going to support the motion to accept this amendment, and I am going to give it some more consideration as we go along and make a judgment about it then, but I think that the direction that it leads us is a good and fair one.

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

A division was had. 24 having voted in the those Senators in favor of the motion to accept the Ought to Pass as Amended Report of the Committee please rise and remain standing until counted.

A division was had. 24 having voted in the affirmative, and five having voted in the negative, 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 pro tem laid before the Senate the eleventh tabled and Specially Assigned matter:

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

Tabled — June 2, 1975 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed. (In the Senate — Committee Amendment "A" (S-217), Adopted.)

Mr. Trotzky of Penobscot moved that under suspension of the rules the Senate reconsider its former action whereby Committee Amendment "A" was Adopted, and Mr. Hichens of York subsequently requested a division.

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

Mr. BERRY: Mr. President, could the Secretary state to the Senate what Committee Amendment "A" is?

The SECRETARY: The filing number on Committee Amendment "A" is S-217.

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

Mr. TROTZKY: Mr. President, my reason for asking for reconsideration is to be able to offer a Senate Amendment to the Committee Amendment.

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

Mr. CONLEY: Mr. President, before I would vote to reconsider, I would like to inquire of the good Senator from Penobscot, Senator Trotzky, exactly what his amendment does.

The PRESIDENT pro tem: 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 that Senator.

Mr. TROTZKY: Mr. President and members of the Senate: What the amendment does is eliminate the word "mydriatics" from the drugs to be used by optometrists. The reason I am offering this amendment is because what mydrdiatics do is enlarge the pupil and can cause angle closure glaucoma. Mydriatics examples are adrenalin cocaine, and these can be dangerous drugs and I believe should only be used by doctors; those are the ophthalmologists who right now can use these.

These are supposed to be topical drugs, however, the mydriatics can be basorbed into the general system causing shock and other problems, and the optometrists are not medically trained.

The PRESIDENT pro tem: The Chair recognizes the Senator from Somerset, Senator Cinchette.

Mr. CIANCHETTE: Mr. President, it appears that we are getting into debate on the bill now, and we are asked to reconsider whereby we adopted the committee amendment for the purpose to further amend the bill. I think it is quite simply stated that the committee amendment is and was a compromise measure between the proponents and opponents of this bill. The committee worked long and hard on this, and it was my understanding the committee finally reported the bill out in a true sense of compromise.

Now, the hope is that we can now further compromise the bill to further cut out the meaningful intent of the legislation. We might save ourselves a lot to time if we don't allow reconsideration.

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

Mr. BERRY: Mr. President, the Senator from Somerset, Senator Cianchette, is absolutely right when he says this is a compromise measure, but I think the facts have to be brought to light to the Senate.

When the bill was first introduced, there were four drugs that were requested by the optometrists: cycloplegics, mydriatics, miotics and anesthetics. If we might take just a moment to go through these drugs, three are hard core treatment drugs and the last is topical anesthetics.

Cycloplegics paralyze the iris or the ciliary muscle inside the eye and dilate the pupil. The possible dangers are acute glaucoma, fever, rapid pulse, prolonged or

even permanent toxic paralysis of the eye focusing mechanism.

The mydriatics, the one which Senator Trotzky's amendment would eliminate, enlarge the pupil. The dangers of this drug are acute glaucoma, rapid pulse, elevated blood pressure, shock, stroke, and heart attack.

The third were miotics. They make the pupil smaller. The dangers of this drug are cataract, iris cyst formation, nausea, retinal detachment, vomiting, diarrhea, paralysis, respiratory arrest, and even death.

The anesthetic instilled in the eye — the dangers of this drug are allergic reaction, ulceration of the cornea, convulsions, and pulse irregularities.

My point being, Mr. President, that the three drugs originally offered, including mydriatics, can cause death to the individual. The anesthetic, the most a person can do is to have an increase in pulse or to get sick. If one of the other three drugs are applied, I think we have to take a look at the background and the training of the optometrist compared to the ophthalmologist.

The optometrist is a non-medical provider who measures refractive errors in the focusing power of the eye. He then writes a prescription for glasses. He also may perform the function of an optician. Now, the optician is a person who grinds the glass and fits it into the lens.

The ophthalmologist is a physician, a medical doctor, who specializes in diagnosis and treatment of all defects in any disease of the eye. The ophthalmologist prescribes for glasses, but in addition has been trained to use the drugs, perform eye surgery; his medical education allows him to understand the use of the drugs as well as the methods of surgery.

To reach the final goals of an optometrist, it was testified at the committee that the average optometrist attends schooling four to six years beyond high school. ophthalmologist looks at 13 years of schooling and medical training before he finally becomes able to practice. He is a full-fledged medical doctor. He is also a surgeon. If there is a reaction, he has the capabilities of coping with that drug.

I think one other thing that should be pointed out is the fact that if a patient goes to an optometrist, and the optometrists argued that the reason they wanted this drug was that so they could detect whether or not a patient had glaucoma, there was a Colorado court ruling where the judge denied, the supreme court justice, denied the optometrist this right because of their non-medical background. But my point being that if a person goes to an optometrist and the drugs were allowed, so the optometrist puts the drug into the person's eye and says "No, you don't have glaucoma, but you need glasses", so he prescribes a prescription, the optician gives the glasses, and the person leaves, but the problem isn't solved there because another problem still exists.

Optometrists argue that they should use these drugs to help determine whether eye glasses will strengthen the eye in children or grownups who have crossed eyes or other eye problems. The cause of this problem, however, may be a variety of conditions, such as congenital paralysis of an eye muscle, bleeding of the brain, subdural hemorrhage, diabetes, high blood pressure, multiple sclerosis, brain tumors, stroke, cancer of the throat,

extension of middle ear infections into the brain, brain abscess, or even meningitis.

So it would be my contention that we would be doing more harm to good health in Maine if we allowed the optometrist to use these drugs, because the average person would feel secure that they had been given a medical eye examination when in reality they had not. Thank you.

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

Mr. HICHENS: Mr. President and Members of the Senate: I think you have had a good example of the scare tactics that were presented to the committee, but for the enlightenment of the Senate I would like to ask questions that may be in your minds and provide the proper answers to them.

First, what are the provisions of L. D. 556, as amended? It provides for the diagnostic use by optometrists of pharmaceutical agents known as mydriatics and topical anesthetics, and for the designation by the Commissioner of Health and Welfare of the specific agents to be used. Optometrists must satisfactorily complete a course in pharmacology by an accredited institution and pass an examination given by the State Board of Optometric Examiners.

Optometrists will be permitted to use certain drugs which aid them in performing a vision examination. Optometrists will be able to use these drugs only diagnostically, that is, to assist them in examining the eye; and they can use them only topically, that is, by putting them on the eye with an eye dropper. This does not allow optometrists to use these drugs to treat eye disease nor does it allow them to administer the drugs orally or by injection. It also means that optometrists now practicing in Maine will have to satisfactorily complete a transcript quality course in the use of these drugs before they can use them. The University of Maine offers an accredited course for optometrists consisting of 58 lecture hours and 16 laboratory hours.

What do these drugs do? Anesthetics provide temporary loss of sensation on the eye. Mydriatics also enlarge the pupil.

Why do optometrists need to use these drugs? Topical anesthetics will allow the optometrist to desensitize the eye to reduce the possibility of discomfort to the patient during the tonometer test for glaucoma, one of several tests used to detect the possibility of glaucoma. The use of the mydriatics will allow the optometrist to get a better view of the internal structure of the patient's eye.

Why do optometrists need to do these things? Seventy percent of the citizens of Maine get their initial vision care from optometrists. Optometrists are responsible for detecting disease and abnormality in their patients' eyes. Further, the human eye often provides early evidence of systemic disease not directly related to the eye, such as diabetes. When such indications are detected, the optometrist refers the patient to the appropriate health care practitioner for treatment. The more thorough eye examination which these drugs make possible will insure that optometrists will be more readily able to detect disease or abnormality. It is in this sense that optometrists are regarded as the first line of defense in the prevention of blindness.

Why can't patients go to ophthalmologists to have these drugs put in their eyes? The largest reason is the

maldistribution of vision care specialists. At the hearing, we had many of them there who admitted that there are no ophthalmologists beyond Bangor. That leaves the entire upper part of the state without any ophthalmologist for a patient to go to. Ophthalmologists tend to congregate in metropolitan areas which offer ready access to hospital facilities. This tendency creates a large gap in the availability of ophthalmologists. Rural areas are not served readily by ophthalmologists. Additionally, the limited number of them in Maine dictates that even in those places where they are available, a waiting period of many weeks is required before an appointment can be obtained. There are over three times as many optometrists as there are ophthalmologists in Maine, and they are geographically distributed all across the state and are much more accessible than ophthalmologists. Besides that, health care professionals practice at the top level of their skills. It doesn't make sense to use the time and training of ophthalmologists, who are the only persons qualified to treat disease and to perform surgery, to perform all the vision examinations when optometrists are also well educated and well trained.

Do optometrists have the necessary education and training to use these drugs? Yes. Optometrists must complete a minimum of six years of post-high school education. In fact, the overwhelming majority of students being admitted to optometry schools have completed four years of college and have a BS or BA degree. This is followed by the four-year optometry curriculum. An unfortunate amount of misinformation about the extent of optometric training has contributed to much of the misapprehension about optometrists' capacity to properly use these drugs. Optometrists have been taking courses in pharmacology as it relates to the eye for at least twenty years. They are also trained extensively in anatomy, physiology, biochemistry, general pathology and other related subjects.

What about the danger of reactions to these drugs? There is always some risk involved in the use of any drug, even aspirin. However, only extremely small dosages are required in the diagnostic use of these drugs. Furthermore, there is little or no evidence of adverse reaction to these drugs when properly administered in the small dosage and the proper administration of these drugs.

How will patients know whether their optometrist is entitled to use these drugs? The State Board of Optometric Examiners will be charged with the responsibility of certifying that the optometrist has satisfactorily completed a course in pharmacology at an accredited institution and passed an examination. This special license must be displayed in the optometrist's office.

Members of the Senate, the optometrists of Maine are not going to take chances with their patients and their own future.

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

Mr. BERRY: Mr. President and Members of the Senate: With all respect to my good friend, Senator Hichens of York, it has been some time since I heard the optometrists read that statement at our committee hearing, but I think I must point out that when he says optometrists have BS degrees I have to agree with him. My baseball coach had one also, but I

wouldn't let him apply these drops in my eyes.

The last information I gave to the Senate was supplied by Gardiner M. Moulton, who is Chairman of the Maine Medical Association. This is extracted from the report from the Massachusetts School of Optometry. 85 percent of the total time in optometry school is devoted to the instructions of optics and related subjects, and only three percent of the time is required to be spent on diseases of the eye. No time at all is spent on medical diagnosis or management of the eye, such as stroke, heart attack, spasm, breathing passage, heart stoppage, shock, diagnosis or treatment of acute glaucoma.

I think another important thing is the fact that it was pointed out that there are no ophthalmologists north of Bangor. I think there are two ophthalmologists. Perhaps one is close to retirement or may be both are close to retirement, or perhaps one has even retired. But since 1967 we have seen a 35 percent increase in the number of ophthalmologists being trained and entering practice in our communities to care for the eyes and the needs of individuals in those communities. In the past year alone the number of practicing ophthalmologists jumped by 14 percent. It is a steady increase. It is a relatively new professional field in medicine, and I think we are going to see more and more — and the report indicates that we will — ophthalmologists coming into the State of Maine, but I think it is a poor excuse if we give the right to practice medicine to a non-medical profession, and I think it really comes down to a very simple quote that was made at the committee hearing: "If you want to practice medicine, you should go to medical school."

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

Mr. JOHNSTON: Mr. President, it sounds from the debate this afternoon here that the medical school in Maine has arrived. I don't think the Senator from Penobscot, Senator Trotzky, was quite fair when he said that the optometrists were not qualified to use the mydriatics that they are asking to use diagnostically. They have to complete a 72-hour course. I have following here a course description: basic physiology, a brief review of organic chemistry, absorption, distribution, metabolism, etc., etc. It is quite a comprehensive course and they have to pass it. The people in the industry who don't take it and don't pass it can't use the drugs.

They are used not as treatment, as somebody mentioned in the debate, but they are used diagnostically, topically, to diagnose glaucoma and certain other diseases, and I think they are important.

The good Senator from York, Senator Hichens, mentioned that great expanse of territory north of Bangor where we don't have any ophthalmologists, just potato farmers and optometrists, so I would urge this Senate to pass this bill. I think it is a good bill for the people and I think it is a good bill for the optometrists. And I think in the long run it will be a good bill for the ophthalmologists.

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

Mr. TROTZKY: Mr. President and Members of the Senate: The bill as it states right now would give the optometrists the right to use anesthetics and mydriatics. The anesthetics, as I

understand it, are used to decrease the sensitivity of the cornea so that the optometrists can fit contact lenses, but the mydriatics are used in diagnosis. And I wonder if the good Senator from York received the letter from the Maine Medical Association's Committee on Conservation of Vision which states that the mydriatics can be absorbed into the general system, and they do have possibilities of causing the diseases mentioned by the Senator from Androscoggin.

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

Mr. BERRY: Mr. President, I will be as brief as possible. Members of the Senate, I realize this is my third time at bat and I am in trouble, but I would like to refute what was said by the Senator from Aroostook, Senator Johnston.

The difference between the optometrist and the ophthalmologist as for their medical training: Optometrists attend two years of college, the ophthalmologists four years; medical school, optometrists none, ophthalmologists four years; optometry school, the optometrists go four years, the ophthalmologists go none; internship, the optometrists serve none, the ophthalmologists serve one; residency, optometrists serve none, the ophthalmologist serves three to four, or a total of 12 to 13 years. The didactic portion of the Mass. College of Optometry contains 55½ hours of lecture in pharmacology during the fourth year. Drops are used in their outpatient clinics, though the legality of this is in question, during their two years of clinical study. These drops are restricted to anesthetics. A student at Tufts Medical School takes at least 100 hours of didactic lectures in general pharmacology during his first two years of medical school. During his clinical years of medical school literally hundreds of hours are spent daily directing medical therapeutics. The basic science course during ophthalmology residency devotes 40 or 50 hours specifically to ocular pharmacology. The rest of a three to four year residency deals with hundreds of hours in clinics, the operating room and at the bedside learning the practical application of drug usage in a patient's eyes and to combat eye diseases.

Anyone can read and listen to the drugs for years, but there is no substitute for extensive experience in their clinical application. We cannot imagine that a clinical professor of pharmacology, who knows a great deal of the theory of drugs and their dangers, would even remotely consider treating a patient with the eye drugs, using them even for diagnostic purposes. He will realize that he does not possess the knowledge to interpret the results. This once again is from the Mass. School of Optometry.

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

Mr. GRAHAM: Mr. President and Members of the Senate: What we are witnessing here, as in many cases that come before us, is an economic struggle. The optometrists are trying to widen their field of activity. Now, I think in the case of detecting glaucoma this widening of their activity is only too well justified, but glaucoma can be detected by the use of anesthetics, and anesthetics would be allowed under the amendment that Senator Trotzky proposes.

On the other hand, if we allow optometrists to use these three other drugs

that were in the original bill, we are allowing non-medical men, people who are not physicians, to use drugs, and I think that is a dangerous precedent to set.

The PRESIDENT pro tem: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the rules be suspended to reconsider adoption of Committee Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I am opposed to the rules being suspended and I would ask for a division.

The PRESIDENT pro tem: A division is requested. In order for the rules to be suspended, it requires a two-thirds vote of the members present. All those in favor of suspension of the rules please rise and remain standing until counted.

A division was had. Eight having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

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

Mr. CIANCHETTE: Mr. President, as sponsor of the bill, I would like to say a word before we pass it on because we have heard quite a lot of debate here that sounds like we are taking some real dangerous moves here in this Senate by voting for this bill. I would like to put it in perspective.

We have heard a lot of technical terms, and I have spent some time listening, and I spent a long afternoon in the committee hearing, and let me put in perspective what we are really talking about. We are talking about qualified people who have been qualified under a law that is designed to administer certain eye drops, topically applied in the eye, after these particular dosages have been approved by the Department of Health and Welfare and these particular doctors having been tested and tried and proven that they are capable of handling these things. We are talking about giving them a license.

Now, we give all kinds of people a license. And every time we give someone a license it seems that we take certain risks. Now, I just want you to compare the risks that we are taking by allowing this license. We understand that this law has been in effect in many states, in several states at least, for years. Optometrists have been using these drugs in other states and in very rare cases have there been any problems develop by the use of these drugs by optometrists anywhere in this country. As a passing remark, in Tennessee three weeks ago they passed a law allowing optometrists to use all four of these drugs that are listed here.

O.K., we are talking about granting a license. I ask you to compare this granting a license and what risks we are taking by granting a license to optometrists to use diagnostic drugs and the possibilities of an accident occurring, compare that to licensing a 15 year old automobile driver. I am sure that the percentages of accidents and the percentages of death and destruction and dismemberment, and all these wicked, wild things, happen a great, great many more times by granting a license to a young driver than they ever would be by granting all four of these. I think if you consider that, that it puts this bill in proper perspective, and you can vote on it with a good clear conscience.

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

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

Sent down for concurrence.

(See action later in today's session.)

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

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

Tabled — June 2, 1975 by Senator Clifford of Androscoggin.

Pending — Final Passage.

(In the House — Finally Passed.)

On motion by Mr. Conley of Cumberland, retabled and Tomorrow Assigned, pending Final Passage.

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

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

Tabled — June 2, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-500).)

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

On motion by Mr. Berry of Androscoggin, retabled and Specially Assigned for June 5, 1975 pending Passage to be Engrossed.

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

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

Tabled — June 2, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-196) and Senate Amendments "A" (S-232) and "B" (S-238), Adopted.)

On motion by Mrs. Cummings of Penobscot, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Tabled — June 2, 1975 by Senator Berry of Cumberland.

Pending — Motion by 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. Berry of Cumberland, retabled 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 pro tem laid before the

Senate the sixteenth 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: Bill, "An Act Relating to Environmental Controls." (S. P. 541) (L. D. 1908); Minority Report — Ought Not to Pass.

Tabled — June 2, 1975 by Senator Greeley of Waldo.

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

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

Mr. WYMAN: Mr. President and Members of the Senate: I oppose the Minority Ought Not to Pass Report. I feel somewhat like the batter who has two strikes against him. I had the press against me Sunday, and I find that I have a lobbyist who is earning \$1,000 a week to oppose this bill — I just got the record from the Secretary of State, and as you know, I am in the agricultural business and I am lucky if I can earn that for a few weeks in the summer in agriculture and may lose it the next year. One year you will make it and the next year you will lose it, but seriously — and I also might state that when I did get on the front page of the paper I took some of the space that usually is reserved for Governor Longley and for murder trials.

Now, jobs, employment and homes, that is what we are talking about. Here we are, one of fifty states in the far northeastern part of the country competing with the other forty-nine states, Quebec and New Brunswick.

When Georgia-Pacific went just across the river to McAdam, New Brunswick and built a new mill providing 200 jobs, the people of the small town had a candlelight dinner to welcome them. They asked Georgia-Pacific what can we do for you? On our side of the river we ask what can we get out of Georgia-Pacific? No candlelight and wine dinners on our side of the river.

The good Senator from Penobscot, Senator Trotzky, has listed fifteen environmental restrictions which this bill, as it is now written, would repeal. The amendment I propose neither disturbs nor repeals any of these. My amendment simply provides that when there are federal environmental controls our controls here in the State of Maine should not exceed those of the federal government. Now, isn't this fair? Some of these controls which he listed are the prohibition against log driving, land use regulation, great ponds program, the great ponds act, sewage treatment operator act — he listed 15 of them — and under my bill none of these would be affected in any way.

As for homes, I can cite three instances, one in the small town of Milbridge, when the man, a World War II veteran with a large home lot, thought he had met all requirements to build, but then found that the soil scientists' did not approve of the soil for a filter bed, and he was not allowed to have a septic tank. He and his family are not asking the state for help; they just want a new home and they have earned the money to build it. The man had already built his cellar but the official ordered the contractor to cease construction or he would be fined. A short time ago the good Senator from Cumberland, Senator Merrill,

commented that he thought the Environmental Commission was a little bit slow about issuing their regulations, and I think this goes with many of these bureaus we have over here.

Only last Monday I had a call from one of my constituents. In that particular town two workers want to build, and they tell me they cannot get any answer either way from the regulators. Isn't that all pretty ridiculous?

Saturday I had a call from outside my district with the same complaint. Sunday I had many calls, all but one supporting my position. Our people are really fed up with these regulations coming from Augusta.

A year ago I was in Leningrad and Moscow. There every move is regulated and so they don't have any problems. They are even told how many square feet they can have for living quarters, and that is it. Do we want that? A young lady in Moscow, recently married, told me that because their parents had a few spare feet in their apartments that they were unable to obtain an apartment for themselves, that they must spend part of their time living with his parents and part of the time living with her parents. When asked if she would like to come to the United States, she said "Yes, but impossible." In Russia everybody is controlled all the way, and I wonder if we are heading in that direction with the rules and regulations that are coming from the laws that we make here in Augusta.

When I came to Augusta we had approximately 5,000 state employees. Now we have over 12,000. The population then was 1,000,000 people, and the population now is still about 1,000,000 people. What are these additional 7,000 employees doing? Are they all productive or are many of them trying to regulate us, and tell us what to do?

Maybe your constituents haven't approached you yet in regard to the thinking of some of the regulators here in Augusta, but don't worry, if we go on the way we are going, some of our constituents and some of your constituents will soon approach us, and then what will we say and what will we do?

Limited environmental controls are fine, but we are moving too fast too soon.

This bill with the proposed amendment won't do a great deal, but it will send a message to the Environmental Protection Agency that we, the representatives of the people, do care.

With this, I hope you will defeat the Minority Report and accept the 9 to 4 Ought to Pass Report of the Committee. Then if the Ought to Pass Report prevails, I will offer the amendment which is before you now at second reading. This will provide that when there are federal controls and those of our good State of Maine exceed them, then and then only will the laws and regulations of our good state not exceed the federal rules and regulations. Thank you.

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

Mr. TROTZKY: Mr. President and Members of the Senate: The Clean Air Act of 1970 is a federal law, and the federal government stated in that Act that they allowed states to make laws more stringent than the federal law. The federal law set the minimum.

Now, this bill has been amended to death already. It started off as a sardine bill, the word "sardine" was taken out, the

word "municipality" was taken out, and on and on. I don't believe the good Senator from Washington knows what this bill will do right now. I know that, for one thing, it concerns the Clean Air Act. It also concerns the federal Water Pollution Control Act. And instead of eliminating all our environmental laws, this amendment just tries to weaken half of them.

Again, I say why should Maine reduce its environment to the lowest common denominator, such as New Jersey, New York, and others? We have a state with a good environment. The statement was made that Georgia-Pacific went to Canada, and I question whether it was because of our environmental laws that they went to Canada. I don't think that was verified by the good Senator from Washington.

So I hope that this bill will be defeated and finished with now.

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

Mr. CYR: Mr. President and Members of the Senate: I don't know whether this has any chance of going through or not, but at least I think it is worthwhile as a gripe session for some of us to explain exactly how we feel in regard to some of these laws.

First of all, I would like to reassure the Senate that it is not the intention to weaken the environmental laws, but the intention is to put common sense into our environmental laws. Now, I realize that this is a new technology, and as such, of course, as a new technology you will find in these departments mostly young college graduates that are doing the promulgating. Now, I will be the first one to admit that as far as technology is concerned, they probably are extremely qualified and they probably know what they are doing. But as far as reality is concerned, I question a lot of their actions.

In 1973 at the hearing on clean air, particularly in regards to open dump burning, I begged the committee — I begged the committee — to at least have two programs to cover the State of Maine, one for the urban section and one for the rural section. We do not have the same condition in our area or the concentration of pollutants and polluters that you have in the urban section in the southern part of the state. Also, the State of Maine doesn't have the concentration of pollutants and polluters that New Jersey has or New York has.

However, we are asked, as I mentioned to you yesterday or the day before, the federal Act calls, for instance, for 260 micrograms per cubic meter for 24-hour standards for primary programs. It means that Pittsburgh, for instance, today probably would have to spend a lot of money to meet the 260 micrograms. The secondary is 150. The State of Maine has 100. At least they are trying to achieve the 150 mark eventually. At the outset we are asked to meet the 100 mark. Now, is that being reasonable to our people? Is that being reasonable to our industry? Is it being reasonable to the State of Maine?

What is going to happen in 1978 when the air emission program becomes effective on automobiles if they do not meet this 100 micrograms per cubic meter? Are we going to deny the people of the State of Maine the right to buy a new car? Are we going to deny airplanes landing in the State of Maine because they cannot meet this 100 on particulate matter?

You know, a lot of us have been scared as

we have heard in the last few years that unless the state does this, or unless the state adopts this program, the federal government is going to come in. We have had the same thing in our committee on PUC in regards to the Clean Water Act. When that bill was presented to us, it had 19 amendments on it, and the question was that if we didn't do anything by December 31, 1976, the EPA, the Boston office, is going to come in and do it for us. I say why not? If the standard regulations are less than ours, then why not? We can save ourselves a lot of money. Instead of having all of these bureaus and departments, let the EPA do it. Their standards are lower than ours.

I think the problem is that up until now these laws have never been challenged. Now, I object very much to the procedures that we have established in the past of passing a general policy and then creating a bureaucracy and we tell them, in essence, you go ahead and promulgate standards and regulations — and this is exactly what they do — to carry out the intent of the legislature. So actually they are legislating for us. If those standards, particularly the air standards, and the federal government has the same wording that we have, the same language that we have, to protect our health and our sanitation, they have the same language as we have, now if they can do it outside the State of Maine for the federal standards, why can't we do it here in the State of Maine.

I would like to conclude by pointing out a remark which was made by a doctor from Ellsworth at a meeting that I attended in Portland. He said "If we invoke all the environmental laws we have on the books, we will have the cleanest state in the nation but we will all end up in the poor house." So I think that the amendment the good Senator from Washington, Senator Wyman, wants to put on this program has a lot of merit and we should consider it very seriously.

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

Mr. PRAY: Mr. President, I move this be tabled two legislative days.

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

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

The PRESIDENT pro tem: The Senator from Penobscot, Senator Trotzky, requests a division. The motion before the Senate is the motion by the Senator from Penobscot, Senator Pray, that this matter lie on the table for two legislative days. All those Senators in favor of the tabling motion will please rise and remain standing until counted.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I ask for a roll call.

The PRESIDENT pro tem: A roll call has been requested. In order for the Chair to order a roll call, it requires a one-fifth vote of the members present and voting. Will all those Senators in favor of a roll call please rise and remain standing until counted.

A roll call is ordered.

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

Mr. BERRY: Mr. President and Members of the Senate: I would implore you to —

The PRESIDENT pro tem: The Senator from Cumberland, Senator Berry, is advised that a tabling motion is not debatable.

The motion before the Senate is the motion by the Senator from Penobscot, Senator Pray, that this matter lie on the table for two legislative days. A roll call has been ordered.

The motion before the Senate is the motion by the Senator from Penobscot, Senator Pray, that this matter lie on the table for two legislative days. A "Yes" vote will be in favor of the tabling motion; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Cyr, Danton, Graffam, Greeley, Jackson, Johnston, Marcotte, McNally, O'Leary, Pray, Roberts, Thomas, Wyman.

NAYS: Senators Berry, R.; Collins, Corson, Cummings, Curtis, Gahagan, Graham, Hichens, Huber, Merrill, Reeves, Speers, Trotzky, Sewall.

ABSENT: Senators Conley, Katz.

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

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

Senate Reports — from the Committee on Natural Resources — Bill, "An Act to Provide for Two Labor Representatives on the Board of Environmental Protection." (H. P. 88) (L. D. 116) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — June 2, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

(In the House — Minority Ought Not to Pass Report, Read and Accepted.)

On motion by Mr. Trotzky of Penobscot, the Minority Ought Not to Pass Report of the Committee was Accepted in concurrence.

The President pro tem laid before the Senate the following matter which was tabled earlier in today's session by Mr. Berry of Cumberland:

Bill, "An Act Relating to the Dredging, Filling or otherwise Altering Coastal Wetlands." (H. P. 590) (L. D. 730)

Pending — Motion by Mr. Speers of Kennebec to reconsider action whereby House Amendment "B" to Committee Amendment "A" was Indefinitely Postponed.

On motion by Mr. Corson of Somerset, retabled and Tomorrow Assigned, pending the motion by Mr. Speers of Kennebec to Reconsider Indefinite Postponement of House Amendment "B" to Committee Amendment "A".

The President pro tem laid before the Senate the following matter which was tabled earlier in today's session by Mr. Curtis of Penobscot:

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. 296) (L. D. 1002)

Pending — Passage to be Engrossed.

On motion by Mr. Curtis of Penobscot, and under suspension of the rules, the

Senate voted to reconsider its former action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-254, to Committee Amendment "A" was Read and Adopted.

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

Senate Amendment "B", Filing No. S-258, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendments "A" and "B" Thereto, was Adopted and the Bill Passed to be Engrossed, as Amended, in non-concurrence.

Sent down for concurrence.

Reconsidered Matter

The following Bill was held on June 2, 1975 at the request of Senator Corson of Somerset, pending Consideration:

Bill, "An Act to Provide the Citizens of the State of Maine with Uniform Quality Pharmaceutical Health Care." (S. P. 345) (L. D. 1146)

(In the Senate—Motion to Accept Report "C" Ought to Pass as amended by Committee Amendment "A" (S-241) Lost; subsequently, Report "A" Ought Not to Pass, Accepted.)

The same Senator then moved that the Senate reconsider its former action whereby the Ought Not to Pass Report "A" of the Committee was Accepted.

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending the motion to Reconsider.

Reconsidered Matter

Mr. Hichens of York moved that the Senate reconsider its former action whereby Bill, "An Act to Further the Conservation of Vision." (S. P. 169) (L. D. 556) was Passed to be Engrossed.

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

The President pro tem laid before the Senate the following matter which was tabled earlier in today's session by Mr. Gahagan of Aroostook:

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

Pending — Adoption of Senate Amendment "A".

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

Mr. GAHAGAN: Mr. President and Members of the Senate: Senate Amendment "A" is basically an idea of Senator Katz's that we should provide some monies for medical students who wish to come back to the State of Maine after pursuing courses of medicine outside of the State of Maine. There is presently in a license fund the amount of \$100,000 which will be used for the purpose of providing \$5,000 per student per year loans on such conditions as the board may require \$25,000 of this fund is going to be used to fund the Malpractice Commission which we have just enacted.

I would like to move passage of Senate Amendment "A".

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

The motion prevailed.

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

Sent down for concurrence.

The President pro tem laid before the Senate the following matter which was tabled earlier in today's session by Mr. Curtis of Penobscot:

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)

Pending — Final Passage.

On motion by Mr. Reeves of Kennebec, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Resolve was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-256, was Read and Adopted and the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Papers From the House

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

Non-concurrent Matter

Bill, "An Act Establishing an Experimental Open Season on Moose." (H. P. 99) (L. D. 106)

In the House May 30, 1975, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-466) and House Amendment "A" (H-345).

In the Senate June 2, 1975, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

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

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

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

Mr. CONLEY: Mr. President, I would like to make it as easy as possible. I move we adhere.

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

Mr. Pray of Penobscot then moved that the Senate Insist and Ask for a Committee of Conference.

Mr. Berry of Androscoggin requested a division, and Mr. Greeley of Waldo subsequently requested a roll call.

The PRESIDENT pro tem: A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of the members present. Will all those members in favor or ordering a roll call please rise and remain standing until counted.

More than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion by the Senator from Penobscot, Senator Pray, that the Senate insist and ask for a committee of conference. A "Yes" vote will be in favor of the motion; a "No" vote will be opposed.

The Secretary will call the roll.

ROLLCALL

YEAS: Senators Carbonneau, Clifford,

Curtis, Cyr, Danton, Gahagan, Jackson, Johnston, Merrill, O'Leary, Pray, Speers, Thomas, Wyman.

NAYS: Senators Berry, E.; Berry, R.; Cianchette, Conley, Corson, Cummings, Graffam, Graham, Greeley, Hichens, Huber, Marcotte, McNally, Reeves, Roberts, Trotzky.

ABSENT: Senators Collins, Katz, Sewall.

A roll call was had. 14 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

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

In the Senate May 28, 1975, Passed to be Engrossed as Amended by House Amendment "A" (H-503) and Committee Amendment "A" (H-380), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" (H-606) Thereto, in non-concurrence.

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

Mr. BERRY: Mr. President and Members of the Senate: I am always intrigued by some of these little jewels of this nature, and I invite the attention of the body to House-606. I would say that House-606 is like House-503, but it corrects a mistake in 503, and it is my intention, if I am successful — and if the Secretary would check my parliamentary procedure here — to move that the Senate recede and concur with the House, and upon the successful passage of that vote I would move that we reconsider that action, and my intention is to postpone House Amendment 606.

The PRESIDENT pro tem: The Chair would advise the Senator that the proper motion would be to recede.

Mr. BERRY: I will so move, Mr. President.

The PRESIDENT pro tem: Is it now the pleasure of the Senate to recede?

The motion prevailed.

The Senate then voted to Recede from Adoption of Committee Amendment "A".

House Amendment "A" to Committee Amendment "A" was Read.

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

Mr. BERRY: Mr. President, I don't know if my ears were correct. I hope we have adopted Committee Amendment "A", H-380, because that supplants the bill itself and is what we will have to work on. It is H-503 that was in error.

The PRESIDENT pro tem: The Chair would advise the Senator that House Amendment "A", H-503, was not adopted in the House, but that it was indefinitely postponed in the House, and the House passed the Bill to be engrossed as amended by Committee Amendment "A" and as amended by House Amendment "A" to Committee Amendment "A".

Mr. BERRY: Right. And the Senate, I now understand, has before it House Amendment "A", H-380, and we have accepted that.

The PRESIDENT pro tem: The Senate now has before it House Amendment "A" to Committee Amendment "A", H-606. We

have receded from adoption of Committee Amendment "A", H-380, in order to undertake consideration of House Amendment "A" to Committee Amendment "A". We now have before us House Amendment "A" to Committee Amendment "A".

Mr. BERRY: Mr. President, speaking to House Amendment "A" to Committee Amendment "A", which is H-606, to House Amendment 380, 606 says that the law as proposed here will apply to no municipality smaller than 20,000 people. This was put in by Representative Faucher of Solon.

I think that this is going to work a hardship on the small communities in the state, because most of our communities, of course, are smaller than 20,000 people. The bill itself, H-380, carries the graduations of the license requirements down to, I think it is as small as 2,000 inhabitants and unorganized towns. Now, I think that it is going to be very difficult for small towns to have a place that is going to generate \$20,000 worth of food. On a seasonal six months basis this is \$15,000, and if we divide that by six, that means \$2,500 worth of food a month. And divide that again by four, it would be roughly \$600 worth of food a week that is going to have to be sold.

Now, this means nothing in a place like Augusta or Portland or Waterville, perhaps even Biddeford — I am not sure about their 20,000 population — but in some small towns I think this is going to prevent the introduction of new Class "A" restaurants. And the statement of fact on the amendment itself says the amendment also may provide fewer Class "A" restaurants with liquor licenses to communities with — and it should be 20,000 people or less — compared to the original bill, but the Class "A" restaurants that do operate should be financially more stable and possibly more attractive and inviting.

Now, I think that is probably a good objective, but I think we are possibly inhibiting the issuance of Class "A" licenses. I think we are favoring the people who are in business now in many, many Maine communities, because this will apply to everything under 20,000. So it would be my hope that we would indefinitely postpone House Amendment 606, and I so move.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Berry, now moves that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Graffam.

Thereupon, on motion by Mr. Graffam of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Cumberland that House Amendment "A" to Committee Amendment "A" be Indefinitely Postponed.

Joint Order STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Coach Mike McGuire and the Penquis Valley Patriots Baseball Team Penquis League Conference Baseball Champions for the Academic Year 1975

We the Members of the House of Representatives and Senate do hereby

Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1657)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Resolution STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of Miss Pauline Fenno of Sheepscoot, Maine

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 1658)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Joint Order STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Ellen C. Keegan upon Retirement Following 28 Years of Public Service in Macwahoc

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1660)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications
STATE OF MAINE
One Hundred and Seventh Legislature
House of Representatives
Office of the Clerk
Augusta, Maine 04330

June 3, 1975

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

The Speaker appointed the following conferees to the Committee of Conference

on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Utility Rate-making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies" (H. P. 1306) (L. D. 1590):

Representatives:
KELLEHER of Bangor
POST of Owls Head
LUNT of Presque Isle

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House.

Which was Read and Ordered Placed on File.

Committee Reports House

Leave to Withdraw

The Committee on Business Legislation on,

Bill, "An Act to Repeal the Maine Consumer Credit Code." (H. P. 1402) (L. D. 1815)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on State Government on, Bill, "An Act Concerning Disaster Relief under the Civil Emergency Preparedness Statutes." (H. P. 899) (L. D. 1086)

Reports that the same Ought to Pass.

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

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

Divided Report

The Majority of the Committee on State Government on,

Bill, "An Act to Include the Chairman of the Land Use Regulation Commission on the Board of Pesticides Control." (H. P. 1208) (L. D. 1501)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-574).

Signed:

Senators:
CURTIS of Penobscot
GRAHAM of Cumberland

Representatives:

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

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

Signed:

Senator:

WYMAN of Washington

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

Which reports were Read.

Thereupon, on motion by Mr. Curtis of Penobscot, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read

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

Divided Report

The Majority of the Committee on Business Legislation on,

Bill, "An Act to Limit Priority Liens in Individual and Group Health Insurance Policies." (H. P. 1252) (L. D. 1629)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-573).

Signed:

Senators:

THOMAS of Kennebec
REEVES of Kennebec

Representatives:

CLARK of Freeport
BOUDREAU of Portland
PEAKES of Dexter
HIGGINS of Scarborough
BOWIE of Gardiner
TIERNEY of Durham

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

Signed:

Senator:

JOHNSTON of Aroostook

Representatives:

DeVANE of Ellsworth
BYERS of Newcastle
PIERCE of Waterville
RIDEOUT of Mapleton

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

Which reports were Read.

Thereupon, on motion by Mr. Thomas of Kennebec, the Majority Ought to Pass as amended Report was Accepted in concurrence and the Bill Read once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Enactors

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

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

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

An Act Appropriating Funds to Move an Indian Dwelling on the Penobscot Indian Reservation. (H. P. 1377) (L. D. 1708)

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

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

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

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

An Act Amending the Powers and Duties of the Maine Commission on Aging to Include the Inspection of Nursing Homes. (H. P. 103) (L. D. 126)

(On motion by Mr. Huber of

Cumberland, placed on the Special Appropriations Table.)

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

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

An Act to Authorize any Alleged Rape Victim to Obtain a Physical Examination at the Expense of the County in which the Alleged Rape Took Place. (H. P. 1372) (L. D. 1685)

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

An Act to Clarify the Definition of Watch, Guard or Patrol Agency. (H. P. 1299) (L. D. 1575)

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

An Act Providing for the Observance of Memorial Day on May 30th. (S. P. 371) (L. D. 1198)

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

Mr. CONLEY: Mr. President, it is with a heavy heart that I move the enactment of this very beautiful piece of legislation.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

AN ACT Requiring Employers to Give Employees a Written Statement of the Reason for Termination of Employment. (H. P. 1167) (L. D. 1523)

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

Mr. HICHENS: Mr. President and Members of the Senate: This L. D. 1523 is quite a serious document and I don't know how many of you realize the implications of what we are voting on enacting this afternoon. I would like to read the written statement of reason for termination of employment and then the statement of fact, and then make a motion following that reading. It says:

"Whenever a person, firm or corporation which employs or which has employed at any time during the preceding 12-month period, 10 or more persons in any one establishment or place of business, or the successors in interest of said person, firm or corporation, discharges an employee, the employer shall immediately give to the employee a full statement, in writing, of the actual reason for such discharge. An employee who is discharged without being given the notice required by this section shall be entitled to recover from the employer in an action at law a sum equal to 2 weeks' wages."

The statement of fact reads:

"It is the purpose of this legislation to expand the rights of employees. By making it mandatory for employers to give written reasons for termination of employment it is hoped that arbitrary and capricious dismissals will be curtailed."

I am wondering what is going to happen to the employer. If a man wants to let somebody go, he has got to give a written reason as to why he is not satisfied with their work. Perhaps he has suspected them of being guilty of theft or dishonesty in his store, and he has to give a written statement as to the fact of why he is

dismissing them, and then after that written statement is given they can take him to court for misrepresentation of his disbelief in their competence and so forth. I think we ought to take this into very serious consideration before we pass a bill like this to be enacted.

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

Mr. ROBERTS: Mr. President and Members of the Senate: The bill is not in the same form now as the L. D. appears in your Volume No. 3 here, your black notebook. There was a committee amendment, and the committee amendment, first of all, changes it from being mandatory to permissive. In other words, the employer is only required to give such a written reason for dismissal when asked to do so by the employee. It is not mandatory every time he discharges one or more employees. It only applies to the larger employers of ten or more.

At the present time in order to collect unemployment, which is our biggest problem at the moment, the employer is required to give the employment office the reason for the discharge of an employee, because if he were discharged for some fault of his own, some misconduct on his own part, then he would not be entitled to unemployment compensation. So the employer is required to give all this information within a matter of a few days to the employment office, so they can tell whether or not the employee, when he applies for unemployment, is entitled to it. He is not entitled to it if he was discharged because of failing to perform his work properly or for some misfeasance.

The only thing this adds to it is the fact that if a man wants to know and wants it in writing why he was fired, he has a right to ask that and the employer has to give it. If the employer refuses to give it, then in that case he might be subject to a penalty. This would occur not very often because he files that 99 times out of 100 in order to comply with the unemployment laws.

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

Mr. CORSON: Mr. President, according to the enactor, which would appear to be somewhat different than the L.D. as originally filed, I think it speaks quite well for itself. It literally says, "Be it enacted by the People of the State of Maine, as follows: 26 MRSA § 630 is enacted to read: Written statement of reason for termination of employment: An employer shall, upon written request of the affected employee, give that employee the written reasons for the termination of his employment." And that is it. That is the entire bill at this point.

I believe it is certainly not working any hardship on anyone, and it would be the most just thing we could do to pass it as it is written now.

The PRESIDENT pro tem: Is the Senate ready for the question?

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. Hichens of York moved that the Bill be tabled and Tomorrow Assigned, pending Enactment.

On motion by Mr. Conley of Cumberland, a division was had. 11 having voted in the affirmative, and 15 having

voted in the negative, the motion did not prevail.

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

Mr. HICHENS: Mr. President, I now move for indefinite postponement of L. D. 1474.

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

Mr. CONLEY: Mr. President, the actions of the good Senator from York, Senator Hichens, this late in the afternoon sort of puzzle me. In looking over this bill and checking back on the calendar, it is familiar to me that this is a unanimous committee report from his committee, and it is strictly and purely permissive legislation. There is nothing mandatory whatsoever, and I hope the Senate would reject the motion to indefinitely postpone and vote for the bill.

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

Mr. HICHENS: Mr. President and Members of the Senate: Again, looking at the enactor, I admit that I signed the unanimous report, but it has been brought to my attention by the superintendent of one of the institutions of the State of Maine, and also by a member of the other body, that it does allow in fact conjugal visitation, and that is just what the committee didn't want to allow when this was discussed in committee. And why I asked to have it tabled for one legislative day to do that, and so I will ask to have the bill indefinitely postponed because I am a little bit confused as to the real intent of the bill.

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

Mr. CONLEY: Mr. President, we have divisions where on all kinds of motions every morning and every afternoon, and I would suggest to the good Senator from York that if he can't pick up his toys and play our way he ought to pick them up and go home.

As I stated earlier, and the good Senator was presiding over this particular bill at the hearing, it is clearly and strictly permissive legislation, nothing mandatory whatsoever, and I think it is about time that we, as individuals here in this Senate, become very concerned about the problems that we are having in our institutions, and particularly in the field of homosexuality. If you want to cut it down, then you vote for this bill. If you want it to continue to grow and grow, then you can move to kill the bill.

The PRESIDENT pro tem: In view of the remarks made in this body in the earlier session, the Chair would like to read the following: "In debate a member must confine his remarks to the question before the house and void personalities. A member in referring to another member should as much as possible avoid using his name, rather identifying him by the district which he represents, his seal, as the member who last spoke, or by describing him in some other manner. It is not the man but the measure that is subject of debate and it is not allowable to arraign the motives of a member, but the nature or consequences of a measure may be condemned in strong terms."

The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: Myself, being a member of the Health and Institutional

Services Committee, I just glanced through the bill again just to refresh my memory, and I can't speak for the committee but I can speak as one member of the committee, and the intent of the bill is just what I intended it to say when I signed the Ought to Pass Report.

The PRESIDENT pro tem: The motion before the Senate is the motion by the Senator from York, Senator Hichens, that the bill be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

On motion by Mr. Conley of Cumberland, a division was had. Six having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

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

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

The PRESIDENT pro tem: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby this bill failed of indefinite postponement. All those in favor will please say "Yes"; all those opposed, "No."

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

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. CONLEY: I will try once again, Mr. President. Having voted on the prevailing side, I would now move reconsideration whereby this bill was passed to be enacted and ask the Senate to vote against me.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby this bill was passed to be enacted. All those in favor please say "Yes"; all those opposed signify by saying "No."

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

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

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

Mr. HICHENS: Mr. President, rather than having it misinterpreted that this is my own personal desire to table the bill for two days, after the consideration that was given to me on the previous bill, I have been asked by the good Senator from Knox, who had to leave early, to have this bill tabled for two legislative days because he finds constitutional problems with it. So I would ask somebody to table this for the good Senator for two days.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Specially Assigned for June 5, 1975, pending Enactment.

An Act to Require Review of Proposed State Regulations by Local Units of Government. (H. P. 891) (L. D. 1082)

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

Mr. CURTIS: Mr. President, this is a matter which was discussed before, and I am going to move indefinite postponement of this bill and all accompanying papers. It is a matter. An Act to Require Review of Proposed State Regulation by Local Units of Government, and I would suggest it is an outstanding title and a fine goal, but if you would please read the bill, I think maybe you will be as concerned as I am, and as a majority of the Committee on State Government was, that the requirement that "each department, commission, board, or agency of the state shall at least 30 days prior to the date of adoption of administrative rules or regulations by it mail to the chief administrative official of each municipality, each regional planning commission, and the Maine Municipal Association a copy or written summary of the proposed rule or regulation for review and comment by municipalities or their instrumentalities" is a costly and an unwise piece of legislation.

There is no fiscal note on this matter. I have not heard anybody describe how many rules and regulations and even how many agencies are likely to be involved. I would suggest that there is no provision in this bill for emergency rules and regulations which must be promulgated and made effective immediately for the health, welfare and safety of the people of the state.

Finally, I would like to call to your attention one more time an item that is on the table which is a pending study, a proposed study, of the entire administrative code, and which study, if agreed to by the legislature, would be done in conjunction with the Attorney General's Office and with the Maine State Bar Association.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Curtis, now moves that the Senate indefinitely postpone this item.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I would like to make an inquiry. Has this item, L. D. 1082, been amended? Is there an amendment with this paper?

The PRESIDENT pro tem: The Secretary will read the report.

The SECRETARY: 1082 has been amended by Committee Amendment "A", H-468.

Mr. MERRILL: It is my understanding, Mr. President and Members of the Senate, that the thrust of this amendment is to remove the 5,000 population limitation from this bill. If such is the case, it would seem to me that there would be a considerable price tag on this piece of legislation, and I would ask that the appropriate member of the Senate would consider putting this on the Appropriations Table.

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

Mr. WYMAN: Mr. President and Members of the Senate: As I understand it, now they must advertise their rules and regulations anyway, and this is just to give advance notice. In other words, it is plain open government. I don't see where it is going to cost any more, and even though it were, I think the people should be allowed to know. The good Senator from Penobscot, Senator Curtis, read the bill, and I think the bill means just what it says, in towns of over 5,000, and that eliminates a lot of small towns, that they are going to be advised of these rules and regulations.

The rules and regulations are pouring out of this other building faster than we can count them, and I can see nothing wrong with having them give us open government and tell us what they are going to do before they do it.

So I hope this bill moves on for enactment. And as I understand it, they have to advise about the rules after they are made anyway, so they may just as well do it before.

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

Mr. CURTIS: Mr. President, the bill that I read is from our printed engrossed copies of the bills prior to enactment, and it incorporates the amendment, which I believe was drafted by the Senator from Washington and came out in the minority committee report, deleting that section which eliminated towns under 5,000. As a result, the bill, the way it stands now, would require every agency that wants to promulgate rules and regulations of state government to send a copy, an individual copy, at least 30 days prior to the date those rules go into effect to every one of some 435 municipalities that we have in the state, plus each regional planning commission and the Maine Municipal Association, before those rules could become effective.

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

Thereupon, on motion by Mr. Huber of Cumberland, tabled and Specially Assigned for June 5, 1975, pending Enactment.

The PRESIDENT pro tem: The Chair would request the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall, to the rostrum.

Thereupon, the Sergeant-at-Arms escorted Senator Sewall to the rostrum where he resumed his position as President of the Senate, and the Sergeant-at-Arms then escorted Senator Speers to his seat on the floor of the Senate, amid the applause of the Members of the Senate.

Emergency

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

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

Emergency

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

This being an emergency measure and having received the affirmative vote of 26 members of the Senate, with one Senator voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Committee Reports House

Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act Making Financial Aid Formulae Consistent with the 100 Percent State Valuation." (H. P. 648) (L. D. 800)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-590).

The Committee on State Government on, Bill, "An Act Authorizing Regulations Relating to Governmental and Commercial Buildings within the Capitol Complex Area." (H. P. 1275) (L. D. 1578)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-591).

The Committee on Natural Resources on, Bill, "An Act to Amend the Subdivision Law to Provide for More Housing in the State." (H. P. 1006) (L. D. 1274)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-594).

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Clarify the Priority Social Services Program to Assure Effective Utilization of State and Federal Resources for Human Services." (H. P. 1187) (L. D. 1768)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-587).

The Committee on Public Utilities on, Bill, "An Act Relating to Water Districts." (H. P. 815) (L. D. 989)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-589).

The Committee on Business Legislation on, Bill, "An Act Relating to Expenses for Examination of Insurers." (H. P. 982) (L. D. 1245)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-595).

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

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Creating the Office of Dental Health." (H. P. 972) (L. D. 1234)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-588).

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

Which report was Read.

Thereupon, on motion by Mr. Hichens of York, tabled and Specially Assigned for June 5, 1975, pending Acceptance of the Committee Report.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.