

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, June 4, 1975

Senate called to order by the President.
Prayer by Rev. Joe Flippin, Fellowship Baptist Church of Augusta:

Our Father, we are so thankful for this opportunity we have to come into Thy presence. We pray, Lord, your will be done here today. As each decision is made, we pray it be in accordance with Thy will. We thank you, Father, for the privilege we have of being in your presence. May Jesus Christ get all the glory, and we ask it in Jesus' name. Amen.

Reading of the Journal of yesterday.

Mr. Conley of Cumberland was granted unanimous consent to address the Senate:

Mr. CONLEY: Mr. President and Members of the Senate: As we get ready to dwindle to the final month or few weeks of this legislative session, at times some of us are going to get a little hot behind the collar. I apparently blew my cool yesterday, Mr. President, and I wish to offer my apologies to the good Senator from York, Senator Hichens, for anything that I might have said that offended him.

The PRESIDENT: The Chair thanks the Senator.

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

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)

In the House June 2, 1975, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-600) Thereto.

In the Senate June 3, 1975, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Non-concurrent Matter

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

In the Senate May 29, 1975, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-428), as Amended by House Amendment "A" (H-636) Thereto, in non-concurrence.

On motion by Mr. Roberts of York, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the House May 21, 1975, the Bill Passed to be Engrossed.

In the Senate May 29, 1975, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

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

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

Non-concurrent Matter

Bill, "An Act to Aid Small Municipalities

to Comply with Statutes Concerning the Protection and Improvement of Air." (H. P. 1191) (L. D. 1487)

In the House May 28, 1975, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-405).

In the Senate May 30, 1975, the Bill Passed to be Engrossed as Amended by House Amendment "A", as Amended by Senate Amendment "A" (S-239) Thereto, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Trotzky of Penobscot moved that the Senate Adhere.

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

Mr. O'LEARY: Mr. President and Members of the Senate: I think that perhaps this bill can be corrected if we join in a committee of conference, and so at this time I think I shall move that we insist and ask for a committee of conference.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate insist and join in a committee of conference.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. Cyr of Aroostook then moved that the Senate Recede and Concur.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I don't want to prolong the issue, but the bill itself removes cone burners completely from our air quality laws, and all the amendment that we put on here does is state that cone burners will be allowed, provided public health, safety and welfare are not adversely affected and that, secondly, the standards set forth in our air laws beyond the lines of the dump are adhered to. So I would hope and you would not vote the motion of the good Senator from Aroostook, Senator Cyr.

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

Mr. CYR: Mr. President and Members of the Senate: The amendment that was presented here is very general and provided for public health safety and welfare. We are right back to where we started. Now this bill originally came out of the Northern Regional Commission in Aroostook, and it is intended to allow cone burners.

The last time that we debated this I didn't have too much information in regards to this. Since then I have inquired, over the weekend I have inquired, and I stated to you, for instance, that the primary federal air standards are set at 260 and the secondary are set at 150. Now, our standards here in the State of Maine are set at 100. This has a lot to do with the solid waste program. You take in Aroostook County or Washington County in some of these northern counties particularly, what are we going to do with a lot of this solid waste when we have five feet of frozen ground and possibly five or six feet of snow that we have to remove before we can start digging a trench to bury our solid waste.

The experience of the cone burner in Presque Isle has been very satisfactory. You have heard the Senator from Penobscot, Senator Trotzky, mention that DEP is ready to license that cone burner. Well, now they are ready to license on what basis? They have never monitored. As I understand it, the only cone burner that they have monitored, and in fact it was not

a thorough monitoring, was the one at Saco and Biddeford. The reason at that time why they disapproved of that one was not so much the pollutants that came out of the cone burner as the unfavorable air quality in that area because of the concentration of population and whatnot.

In the rural areas, this bill is intended for the rural area, it is intended as an alternative. Such enough, DEP tried to kill the bill in the committee but they didn't succeed; the majority came out Ought to Pass. Then here the chairman tried to kill the bill again on this floor, and he didn't succeed. So after all these attempts to try to kill the bill and they couldn't do it, then they thought they would do it in a fancy way by amending this. In the discussion you were told this is not going to hurt, this is not going to change the rules very much. It reminds me of when you go to the doctor and he tells you, "Hold stiff now, this is not going to hurt", and then he sticks a needle into you. Well, this is exactly what they are doing; they are sticking the needle into you.

Now, according to their own statement, they tell you they are not going to disallow you from building a cone burner. But then after you have built it, they are going to tell you whether it complies or not, and whether it complies to this 100 microgram standard.

So I think all of this should be taken into consideration in these small towns, and particularly when it is unrealistic, a program which is offered to you is unrealistic, when you have to bury your solid waste in the frozen ground five feet deep, and you have got to remove the snow and dig a trench and put it in and bury it every day, so I hope that you will support me with my motion to recede and concur with the house.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I just want to state what would happen without this amendment. The regular bill starts off and states, "The provision of this chapter shall not apply to any municipality." In other words, it takes the cone burners completely out from under our air laws.

What this does, for example, section 599, title 38, prohibits the burning of tires and rubber products or by-products. Under the bill, without the amendment, a community would not have to comply with this law if it had a cone burner serving less than 25,000 people. I think the amendment is the only thing that makes the bill a reasonable bill.

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

Mr. CYR: Mr. President and Members of the Senate: DEP has all the authority to promulgate in this area. All they have to do is to promulgate standards for cone burners. There are cone burners and cone burners, as I have told you before. Now, the type in Presque Isle, for instance, has been proven to be very efficient. I know there are some inefficient cone burners in the state because they were built when you had a choice between open dump burning and cone burners. At that time it was a step in the right direction, but now we have cone burners that have draft controls and different other things on them which are very efficient, so all DEP has to do is to write some standards for cone burners and then advise the communities. A community that wishes to construct a cone burner, they should advise them if you buy this type of burner you will all right, but if

you buy this type of burner, which is not acceptable, you will be in trouble. That is the only thing you have to do, and you don't need this at all. This is an attempt to kill the intent of the bill.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Aroostook, Senator Cyr, that the Senate recede and concur with the House. The Chair will order a division. Will all those Senators in favor of the motion to recede and concur please rise in their places until counted.

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Aroostook, Senator Cyr, 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, Cianchette, Clifford, Cyr, Danton, Gahagan, Graffam, Greeley, Hichens, Jackson, Johnston, McNally, O'Leary, Roberts and Wyman.

NAYS: Senators Berry, E.F., Jr.; Berry, R.N.; Collins, Conley, Corson, Cummings, Curtis, Graham, Huber, Katz, Marcotte, Merrill, Pray, Reeves, Speers, Thomas and Trotzky.

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

Thereupon, the Senate voted to Insist and ask for a Committee of Conference.

Out of order and under suspension of the rules, on motion by Mr. Katz of Kennebec, the Senate voted to take up today's eighth tabled and Specially Assigned matter.

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

Tabled — June 3, 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.)

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

Mr. BERRY: Mr. President, I would urge the Senate to pass the reconsideration motion.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby the Senate receded and concurred?

The motion prevailed.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede from its former

action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to Recede from 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-248, to Committee Amendment "A" was Read.

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

Mr. KATZ: Mr. President and Members of the Senate: I hope the Senate is impressed with the cleverness of all my parliamentary maneuvering this morning, all done without a flaw. I want to thank the Senate for permitting me to take this out of order; I don't think I will be here when the calendar comes up later in the morning. What this amendment does, of course, is react to the complete lack of enthusiasm by some members of the Senate that the proposed commission gets into the business of administering a good many existing programs, and it completely and literally strips out all administrative programs in the bill. What is left is completely a post-secondary planning commission.

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

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

Sent down for concurrence.

Non-concurrent Matter

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

In the Senate, May 28, 1975, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-624), in non-concurrence.

Thereupon, the Senate voted to Adhere. (See action later in today's session.)

Communications

STATE OF MAINE

One Hundred and Seventh Legislature
Committee on Education

May 29, 1975

Honorable Joseph Sewall
President of the Maine Senate
State House
Augusta, Maine 04330

Dear President Sewall:

The Committee on Education is pleased to report completion of the legislation placed before our committee in this session.

Our bills have been reported out as follows:

| | |
|--------------------------|----|
| Ought to Pass | 20 |
| Ought to Pass as Amended | 14 |
| Divided Reports | 9 |
| Leave to Withdraw | 7 |
| Ought Not to Pass | 5 |
| Total Bills | 55 |

Cordially,

Signed:

BENNETT D. KATZ

Chairman

Committee on Education

Which was Read and Ordered Placed on File.

Local and County Government

June 2, 1975

The Honorable Joseph Sewall
President of the Senate of Maine
Senate Chamber
State House
Augusta, Maine 04333

Sir:
The Legislative Committee on Local and County Government is pleased to report the completion of that business of the 107th Legislature that was placed before this committee.

| | |
|--------------------------------|-----|
| Total Number of Bills Received | 110 |
| Ought to Pass | 13 |
| Ought to Pass as Amended | 30 |
| Ought to Pass in New Draft | 10 |
| Ought Not to Pass | 30 |
| Divided | 4 |
| Referred to Another Committee | 2 |
| Leave to Withdraw | 21 |

This will advise you that the following bills have been completed and reported out; however, these do not affect the total number of bills that are listed above except to account for many of the bills which are listed under "Ought Not to Pass" and "Leave to Withdraw:

- Omnibus 16-Counties Law Library Bill
- Omnibus 16-Counties Salary Bill
- Omnibus 16-Counties Budget Bill

Respectfully,
PHILIP C. JACKSON
Senate Chairman

Which was Read and Ordered Placed on File.

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 House voted today to Adhere to its former action whereby the Minority "Ought Not to Pass" Report of the Committee on Health and Institutional Services was read and accepted on Bill "An Act to Authorize Bond Issue in the Amount of \$1,050,000 for Acquisition and Construction of Facilities for the Care and Treatment of the Severely and Profoundly Mentally Retarded" (S. P. 172) (L. D. 623).

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports

House

Leave to Withdraw

The Committee on Transportation on, Resolve, Directing the Department of Transportation to Authorize Access from U.S. Route 1 to an Industrial Park in the Town of Woolwich. (H. P. 1434) (L. D. 1712)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read.

Mr. Reeves of Kennebec then moved that the Resolve be tabled and Tomorrow Assigned, pending Acceptance of the Committee Report. Subsequently Mr. Speers of Kennebec requested a division and Mr. Berry of Cumberland then requested a roll call.

Thereupon, on motion by Mr. Conley of Cumberland, tabled until later in today's session, pending Acceptance of the Committee Report.

Ought to Pass

The Committee on Taxation on, Bill, "An Act to Raise the Tax on Beer, Wine and Other Alcoholic Beverages to Provide Operating Funds for Alcohol Treatment Facilities." (H. P. 773) (L. D. 944)

Reported that the same Ought to Pass.

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

Which report was Read.

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

Mr. KATZ: Mr. President, the title of this bill seems to indicate that we are getting involved in a dedicated revenue. I have read the bill over though and it seems to have two parts: one, a part that raises the tax on alcoholic beverages, and the other which appropriates dollars for maintenance of alcoholic treatment facilities. May I inquire of any member on the Committee on Taxation whether or not it is in fact though a dedicated tax or do we just tie the two of them together in a single bill?

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: The committee gave consideration to making this be dedicated revenue, especially in light of the experience fresh in our minds in regard to catastrophic illnesses, but I think the general prejudice against increasing dedicated revenue prevailed. So the thrust of this bill, I think, is as the Senator from Kennebec said, to create a new tax and make an appropriation.

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

Mr. WYMAN: Mr. President and Members of the Senate: I think we have had the experience of going home and finding money used for purposes for which we did not intend it, and I think in this particular case the legislature should have the say where the money is going, and know when we go home that it is going to be used for the purpose for which we enacted it.

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

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

Ought to Pass — As Amended

The Committee on Public Utilities on, Bill, "An Act to Establish Assessments upon Certain Public Utilities and to Authorize Use of the Funds Generated by those Assessments to Pay Certain Expenses of the Public Utilities Commission." (H. P. 1407) (L. D. 1719)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-570).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-638).

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Require Ferries Operating in Casco Bay to be Equipped with Radar Devices." (H. P. 1151) (L. D. 1445)

Reported that the same Ought to Pass.

Signed:

Representatives:

NADEAU of Sanford
TARR of Bridgton
LEONARD of Woolwich
LITTLEFIELD of Hermon
SPENCER of Standish
LUNT of Presque Isle
KELLEHER of Bangor

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

Signed:

Senators:

CUMMINGS of Penobscot
GREELEY of Waldo
CYR of Arroostook

Representatives:

GRAY of Rockland
SAUNDERS of Bethel

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-629).

Which reports were Read.

Mrs. Cummings of Penobscot moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. MERRILL: Mr. President and Members of the Senate: This is an item that really only involves my county. I noticed that it has involved a considerable amount of activity from a lobbyist from my county who managed to have friends all over the state, but it is a matter that concerns only my county and the safety of the people in my county that are transported back and forth to the islands in Cumberland.

I think that the bill has some problems as it is amended by the House, and I would offer amendments to it if we could get it to the second reading. But frankly, I don't think the requirement that boats that operate on a daily basis over the calendar year have radar is an extravagant requirement at all. Most of the people I know that have yachts of any size, that don't have to operate when the weather is bad if they can avoid it, put on those boats radar devices. These people aren't people who are carrying passengers for hire and they aren't people that have to go out in any sort of weather. That is the situation in which we find these people who are being transported to the islands in Casco Bay. So I don't think the requirements of this are extravagant.

I do think what limitations we make on the effect of this law have to be based on a rational distinction. I think the rational distinction is that the requirement should be only to those people who operate scheduled daily service on a yearly basis. But I don't think that is an extravagant requirement. If you go to Handy Boat and you look at all the yachts of the well-to-do in the Portland area, you will see that most of them of any size have radar on them. All we are asking is for the same sort of protection for the people that have to be transported back and forth to the islands in Casco Bay.

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: Most of the yachts, I think, the private vessels that have radar, are ones that are accustomed to going far out beyond the limits that these boats service. They are from the island to the mainland.

The Committee on Public Utilities conducted hearings on several bills relating to Casco Bay Lines in Portland. Residents of the islands served by Casco Bay Lines appeared before the committee. They were divided in their support of this and other legislative documents.

Proponents of L.D. 1445 attempted to persuade the committee that a vessel equipped with radar is inherently safer than one without such equipment. It was somewhat ironic that the evening before the hearing a Coast Guard cutter equipped with radar returned to port with a blunted bow as the result of an at-sea collision.

Proponents of the bill argued that radar equipment was not expensive and therefore would not constitute a large expense to the ratepayers who must, in the final analysis, bear the economic burden. However, opponents to the bill who were not connected with Casco Bay Lines but who did operate a vessel in Casco Bay rebutted that testimony and indicated that inexpensive radar equipment may be satisfactory for a pleasure craft but would not suffice on a passenger carrying vessel engaged in daily operation. We were advised that sophisticated equipment utilized by common carriers such as the Maine State Ferry Service was quite expensive.

Some opponents of the legislation expressed concern that Casco Bay Line's boat operators would use the radar as a "crutch" rather than as an aid to navigation. They were concerned that the operators would rely on the radar and possibly take chances in situations where they would otherwise use their visual and auditory senses. In 1970, Captain Richard G. Spear, Manager of the Maine State Ferry Service, testified before the Public Utilities Commission concerning the use of radar by that operation. Captain Spear, who holds an unlimited master's license with a radar endorsement, admitted to the PUC that operators of the service "depend on radar more than we should." This is the Manager of the Ferry Service who holds an unlimited master's license rather than the motorboat operators license held by operators of Casco Bay Lines vessels.

A legal representative of Casco Bay Lines also appeared in opposition to the bill. Initially, he pointed out that the installation of radar aboard these vessels has been the subject matter of several hearings before the Public Utilities Commission. During proceedings in late 1970 and early 1971, the Public Utilities Commission was advised by the United States Coast Guard that "radar navigation has not yet reached the state of art where the Coast Guard has deemed it desirable to make radar a positive requirement" for vessels such as those used by Casco Bay Lines. The letter went on to advise the PUC that "the federal government has preempted the field of regulating commercial vessels on the public navigable waters both as to the equipment to be carried and as to the qualifications of the personnel manning such vessels, among which are those vessels currently operated by Casco Bay Lines."

This legal conclusion of the U.S. Coast Guard in a letter dated March 9, 1971 to the General Counsel of the PUC was based on the fact that in 1956 Congress enacted legislation concerning what were then considered to be small passenger-carrying vessels. These were under 100 gross tons and less than 65 feet in length. This legislation authorized the Secretary of the Department in which the Coast Guard operates to prescribe rules and regulations respecting the design, construction, alteration or repair of such vessels, including the superstructures, hulls, accommodations for passengers and crew, fittings, equipment, appliances, with respect to all materials used in construction, alteration, or repair of such vessels, including the fire prevention with respect to equipment and appliances for lifesaving and fire protection and the operation of such vessels, including the waters in which they may operate and the number of passengers which they may carry.

One of the reasons for creating this class of boats included, among other things, a recognition that these vessels customarily did not operate on extended voyages on the high seas and, correspondingly, there was not the same need to build these vessels to the same standards as bigger vessels, not to insist on the same qualifications for the licensed and unlicensed personnel that man these boats as is required for vessels of the size utilized by the Maine State Ferry Service.

The Coast Guard letter indicated that if the PUC or island residents wished to, they could request that the Commandant modify the regulations to require radar on these vessels. To this date no one was aware that such a request had ever been made to the Coast Guard.

The members of the committee that signed this bill out with a recommendation that it ought not to pass felt that the State of Maine should not confront a highly qualified federal agency in deciding what equipment should be required on vessels carrying passengers in federal navigable waters.

There were, however, additional considerations that went into this recommendation. Residents of the islands who had lived there for many years were concerned about the economics of the situation. Not only would purchase and installation of radar equipment be expensive but additional personnel would be required. The Coast Guard rules of the Road prohibit the helmsman from being the person conducting the radar plotting. Thus, additional personnel with Coast Guard Radar endorsements on their licenses would be necessary. These costs would have to be borne by the island residents, of course.

Thirdly, testimony was given concerning the anticipated installation of a Harbor Radar Advisory Service in Casco Bay, a system which Casco Bay Lines has pledged to support.

I really believe it would be inappropriate for this legislature, on the basis of no technical testimony concerning the proper operation and effectiveness of radar or federal operating regulations, to single out this small public utility and order it to install radar. I would suggest that legislation which will increase its costs, destroy the quantity of its customers, or impair its ability to operate, will in the future place the State of Maine in the situation of going into the ferry service in Casco Bay. I urge you to accept the Ought Not to Pass Report.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to commend the Chairman of the Public Utilities Committee, Senator Cummings, but as one who lives in the area of Casco Bay and one who is very familiar with the 365 islands that we have off our coastal shore, and noting that the Casco Bay Lines does not service a large number of those islands, I think the Majority Ought to Pass Report of the Committee should be received.

I think many members of this Senate who have been here in the past are well aware that there is sort of a striking resemblance that reminds me of the good old charter days when we used to consider many of the charters from towns and communities throughout the state, and there was one particular week we used to refer to as sort of the "Lewiston week", when the community of Lewiston used to bring in umpteen charter-revisions to the legislature, and we passed the Home Rule Constitutional Amendment. I think, just to get rid of the City of Lewiston.

This bill, like many sessions, has been before us year after year after year, and I think it is brought up before this legislature because there is a large segment of the citizens who reside on these islands who feel that there is a problem with the services that are being provided by CBL. Those of you who live along the coast are certainly aware of the very serious problem that we have with the ground fog or land fog along the shores or along the coast, and know that even driving on our highways around the coast some evenings present quite a problem.

I think, for the safety of the people who are riding these boats back and forth to the islands, that there should be a very strong safety feature to guarantee and assure the safety of these individuals. I am aware of the fact that this bill has probably been discussed by the agent of the CBL here in regards to this bill. It is sort of difficult for a couple of us, and particularly those of us who live in Portland where the Casco Bay Lines operates from, to try to defend the committee report, whereas the majority of you live in other areas of the state and really have no personal relationship to this.

But I can tell you in fact of one incident, that perhaps has even been brought to light in this chamber, of one given time when one of the ferries left Peaks Island and ended up something like three miles off its course somewhere off the East End Bathing Beach, when it should have been docking somewhere at what they call the Custom House Wharf. This was because of the fact of very inclement weather, and the Captain or whoever was in charge of operating the boat itself became confused within the sea fog, and it could have been a very serious problem; fortunately it was not.

I would hope that the Senate would accept the Ought to Pass Report of the Committee and give the good Senator from Cumberland, Senator Merrill, an opportunity at least to present his amendment and to see if it can clarify some of the problems within the bill.

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

Mrs. CUMMINGS: Mr. President, I don't think radar is any answer for a poor navigator. All that radar would do would be to say what was lying ahead of the boat

that it might bump into. But if the navigator is going to send them three miles off their destination, no amount of radar is going to cure that.

I think actually the bind is Casco Bay Lines is not the most affluent or money-making concern in the world and, as with any public utility, they have to get permission to go out of business. It isn't as if they could say we are not making money, we cannot put on these radar, we cannot put on more trained personnel who will add to our expenses, and therefore go out of business. They are not allowed to do that. I am afraid if enough more expenses are added to their already high expenses that, as I said previously, the State of Maine will inherit this ferry service and it will cost us quite a lot of money.

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

Mr. MERRILL: Mr. President and Members of the Senate: I don't have the particular privilege at this particular point in time to own a large pleasure craft. That is a handicap which I hope to correct in the next few years. But I have had considerable opportunity to be on the waters of Casco Bay, and I will never forget one time a lobsterman saying to me, about four or five years ago, that he just couldn't understand how the Maine Legislature allowed the operation of those ferries without even having any radar aboard. At that time I couldn't understand either, but I think it is becoming more apparent to me.

I think that there are some arguments here that are so bogus that I don't even want to have to reply to them, but I will. We are told that there is a distinction between these boats that operate in the harbors and those that operate on the high seas, and obviously there is, but how does that distinction work in regards to radar? Radar, the purpose of radar, as has been pointed out very clearly by the Senator from Penobscot, Senator Cummings, is to alert the person who is operating the vessel of dangers ahead. Where are the dangers greater, on the great high seas? Is that where you have the danger of running aground or running into another ship. Or is it in a crowded Casco Bay, one of the busiest oil ports in the United States, a port that is the home harbor for many fishing vessels and many pleasure craft?

If anywhere radar is needed, it is needed in this situation for boats that are operating on a schedule. Let me assure the members of the Senate that when the weather is foggy, and when the weather is bad, those boats operate on the same schedule, and those steel boats go through that harbor at a very fast speed. I mentioned earlier the safety of the people on board. There is also the matter of safety in regards to the people that operate other boats in that bay, the Maine people who make their living from the sea and the summer people who enjoy the Maine waters when they are up here.

I think it is interesting to point to this Senate that in some areas of the state the great State of Maine provides for the transportation of people to the islands. And it is interesting to point out to this Senate that the good State of Maine has two sets of radar on all the vessels that it operates in this way. That is what the State of Maine does for those island residents, those people who live on those islands that are fortunate enough to be serviced by the State of Maine's boats, and we are asking for the same sort of protection, or half the protection, for the people in Casco Bay.

And Casco Bay, I will remind the members of the Senate, is a much busier waterway, a much more dangerous area to navigate, than the other areas that are serviced by state boats.

I would like to say one word about what I think the bottom line of this issue is, and that is cost. I think that is the bottom line. It will cost some money to put radar on there, but I can't think of any more clearly needed safety device than this, and if there is any cost of doing business at all, it ought to be this. You know, our airlines could operate much cheaper if we didn't require them to have any instrumentation. It would save a lot of money and we could probably get the airlines to come back to some of the airports that they have abandoned if we did away with that requirement. If we didn't maintain that there had to be any firefighting personnel available, we could save some money with that. This is a rudimentary safety device.

I don't think there is a member of this Senate that, if he had a pleasure craft and had to operate it on a daily basis in Casco Bay, wouldn't have radar on that craft. So I urge the Senate to give this its first reader, ought to pass, and allow me to amend it tomorrow.

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

Mrs. CUMMINGS: Mr. President, one more point: the regulations for radar, there has to be someone looking at the same time. Radar is not infallible and you cannot possibly navigate a boat with just radar.

I asked at the hearing if the insurance rate wouldn't go down if they had radar, and was told that from that, the insurance company said that they had to have two radars on in case one went kaput, so it would be even more expensive than just one of the private yachts.

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

Mr. BERRY: Mr. President and Members of the Senate: I regretfully must oppose the motion of the Senator from Penobscot, Senator Cummings. I think that the real issue here, and the only issue, is safety.

I am the first one to say the installation of radar is going to be a capital expense and it is going to be an operating expense, and it is going to have to be paid by the users of the Casco Bay Lines.

I think with the accepted installation of radar today on all boats that it seems absolutely incredulous that we have these rather small crowded passenger boats plying the waters of Casco Bay under circumstances that frequently could lead to an unbelievable fatality situation. I think we have to look both at the cost and the safety factor, and how can we weigh lives and safety against this accepted method of navigation.

Now, as Senator Cummings says, not only does a radar tell you where you are but, even far more importantly, it tells you where the other fellow is and you can get out of his way. This also will permit the operation of the ferries in thick fog on Casco Bay when they are not able to operate, and if there were an emergency situation on the island — now they have to rely on the Coast Guard — if they had radar on their vessels, they would be able to operate under conditions they not cannot.

I think that this is an extremely vital facility that should be added to all boats

that are carrying passengers on Casco Bay.

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

Mr. CIANCHETTE: Mr. President, I know very little about water navigation and all, and I wonder what may have prompted this bill to come before us. I wonder how long Casco Bay Lines may have been in operation, and I wonder if anyone could recall what kind of an accident rate they may have?

The PRESIDENT: The Senator from Somerset, Senator Cianchette, has posed a question through the Chair that any Senator may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I believe I have to ask permission to speak a fourth time.

The PRESIDENT: The Chair will dispense with that at this point.

Mrs. CUMMINGS: Mr. President, I do not know how long the line has been in operation but, as I remember from the testimony, there have been no collisions and no accidents that would cause this.

I would like to say that I have had two letters, which is not an overabundance, but nevertheless it shows some people have made an effort to write, these are islanders, to say that while the service is not perfect they would rather have it the way it is than have the increased costs that would be necessary in order to get to the mainland if these things were imposed upon the CBL.

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

Mr. CURTIS: Mr. President and Members of the Senate: I am a little reluctant to get involved in this particular debate because I am not from the Casco Bay area that is directly concerned, but for more than a year I was a CIC officer on a U.S. Navy destroyer and my job was to be in charge of the radars for that ship. When I went back last year to serve two weeks' active duty in the Navy onboard a destroyer, I was amazed to find out that they had decided not only that radars were absolutely indispensable to the Navy's navigation, but now there is a situation in which the captains of some of these ships in the U.S. Navy are purchasing, on their own, small Decca radars which they carry onboard the ship with them and they use as their own personal radar just to be sure that the CIC is doing a good job.

Now, from time to time we used to navigate, and one of my jobs was to be in charge of the radar navigation detail, and we would sit in CIC off the bridge and watch the radars and try to plot our way in and out of channels. And one time it became absolutely indispensable that we get in to Midway Island using nothing but radar because of the heavy fog, and it was possible to do that. We were kind of proud because previous to that it had always been, as has been mentioned before, a backup team. Radar is no substitute for lookouts and for individual navigation. But it is possible and I think very desirable to have radar onboard any size vessel which is doing any navigating in harbors, because by using fixed points such as islands you can fully navigate your ship in fog or near-fog conditions. So it seems to me entirely sensible that these radars ought to be onboard the vessels in Casco Bay.

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

Mr. CONLEY: Mr. President, one final word on this debate. The City of Portland has at its disposal and that of several of the surrounding communities a fire boat that services the islands and services any of the adjacent communities in the event of a serious fire along the coast, and the City of Portland certainly felt the necessity when it purchased this boat, and boats previous to this one, that it be perfectly equipped with radar. This cruises throughout the Casco Bay area quite a bit of the time, and it has radar on it and they feel it is one of the most essential things about the boat itself.

Now, keep in mind that in the summertime the Casco Bay Lines has one of the greatest tourist attractions; namely, the islands, and many times the boats are quite crowded with people. Anyone sitting down at the State Pier, as I do frequently, trying to catch a few mackerel going up and down the coast clearly argues that most of the time these boats are loaded right to the gills — gills, gulls — I have to go to my friend who is an expert seaman — but I think it is very essential that we accept the Ought to Pass Report, and I hope the Senate would concur.

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

Mrs. CUMMINGS: Mr. President, may I ask the vote be taken by division please.

The PRESIDENT: A division has been requested. All those Senators in favor of the motion by the Senator from Penobscot, Senator Cummings, that the Senate accept the Minority Ought Not to Pass Report of the Committee will please rise in their places until counted.

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

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

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Permit Public Use of State Docking Facilities in Casco Bay." (H. P. 1051) (L. D. 1433)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot
GREELEY of Waldo
CYR of Aroostook

Representatives:

LEONARD of Woolwich
LITTLEFIELD of Hermon
GRAY of Rockland
SAUNDERS of Bethel
TARR of Bridgton
NADEAU of Sanford
SPENCER of Standish

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

Signed:

Representatives:

LUNT of Presque Isle
KELLEHER of Bangor

Comes from the House, the Minority report Read and Accepted and the Bill

Passed to be Engrossed as Amended by House Amendment "A" (H-637).

Which reports were Read and the Majority Ought Not to Pass Report Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Increase Certain Hunting and Fishing License Fees." (H. P. 464) (L. D. 566)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-369).

Signed:

Senators:

McNALLY of Hancock
GRAFFAM of Cumberland
PRAY of Penobscot

Representatives:

KAUFFMAN of Kittery
USHER of Westbrook
MacEACHERN of Lincoln
TOZIER of Unity
WALKER of Island Falls
PETERSON of Caribou
MARTIN of St. Agatha
DOW of West Gardiner
CHURCHILL of Orland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (H. P. 1205) (L. D. 1173).

Signed:

Representative:

MILLS of Eastport

Comes from the House, the Majority report Read and Accepted and the Bill Recommended to the Committee on Fisheries and Wildlife.

Which reports were Read.

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

Senate

Leave to Withdraw

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act to Provide for the Licensure of Speech Pathologists and Audiologists." (S. P. 454) (L. D. 1669)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Mr. Curtis for the Committee on State Government on, Bill, "An Act Relating to Membership and Qualifications of Executive Director of the Maine Land Use Regulation Commission." (S. P. 146) (L. D. 509)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-259).

Which report was Read.

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

Mr. CURTIS: Mr. President, I am a little reluctant to interrupt the fast moving flow of events here this morning, but I think this is an important bill, and because it has a unanimous report I thought I would just alert the Senate to what this bill does.

This is the second bill which the State Government Committee has recommended to assist in correcting some

of the problems of the Land Use Regulation Commission. Now, the Land Use Regulation Commission has been, as we all know, in the center of a storm of controversy ever since the Commission was created. Now, the goals of the Commission, the choice of the executive director and his predecessor have resulted in a polarization of all of the organizations which are interested in the activities of that Commission, particularly regarding the wildlands of the state. The Commission, which is a little lesser known, has some real personnel problems in terms of its funding and its personnel situation.

The first bill that the State Government Committee recommended, which was sponsored by Senator O'Leary, removed the Commissioner of the Department of Conservation from the Land Use Regulation Commission, and the committee recommended that that bill ought to pass. It is now in the legislative process. This bill that is before us now is really completely rewritten and it is now in a redraft in Filing No. S-259, and this bill provides that the Director of the Land Use Regulation Commission shall be appointed by the Commissioner of the Department of Conservation, subject to the approval of the Governor, and he shall serve for a term coterminous with the Commissioner, subject to removal only for cause by the Commissioner with the approval of the Governor.

We think that that, along with the provision which establishes that a director shall be qualified by experience in planning and administration consistent with the goals of the Land Use Regulation Commission, will be what in the opinion of the State Government Committee is the best route we possibly can go to try to solve some of the personnel problems and some of the other problems of the Land Use Regulation Commission.

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

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

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Clarifying the Title to Real Estate Included in a Divorce Decree." (S. P. 284) (L. D. 994)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-261).

Mr. Jackson for the Committee on Agriculture on, Bill, "An Act to Require the Commissioner of Agriculture to Report Yearly to the Legislature on Methods of Stimulating and Encouraging the Growth and Modernization of Agricultural Enterprises." (S. P. 203) (L. D. 670)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-262).

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

Reconsidered Matter

On motion by Mr. Greeley of Waldo, the Senate voted to Reconsider its former action whereby it voted to Adhere on the following:

Non-concurrent Matter

Bill, "An Act to Establish a Sign on the

Maine Turnpike Near the Augusta-Exit to Indicate the City of Hallowell." (H. P. 1309) (L. D. 1588)

In the Senate May 28, 1975, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-624), in non-concurrence.

Thereupon, on further motion by the same Senator, the Senate voted to Recede and Concur.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Lowering the Maximum Age of Juvenile Offenders." (S. P. 44) (L. D. 96)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

HENDERSON of Bangor
PERKINS of So. Portland
MISKAVAGE of Augusta
HOBBINS of Saco
HUGHES of Auburn
SPENCER of Standish

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

Signed:

Senator:

COLLINS of Knox

Representatives:

McMAHON of Kennebunk
HEWES of Cape Elizabeth
GAUTHIER of Sanford
BENNETT of Caribou

Which reports were Read.

Mr. Collins of Knox moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. CLIFFORD: Mr. President, this bill lowers the juvenile age from 18 to 17. The last legislature, as you might remember, raised the juvenile age from 17 to 18, and one of the problems created was that when a person reached his or her eighteenth birthday the jurisdiction of the court ended. This caused a substantial problem. But I think the major problem has been taken care of by the bill which we passed in this session which extends the jurisdiction of the court past the eighteenth birthday, so the court no longer loses jurisdiction over these juveniles when they reach their eighteenth birthday.

I guess the philosophy of raising the juvenile age in the last session was to make it consistent with the lowering of the adult right bill so all their rights are consistent. Until one is eighteen he is considered a juvenile for all purposes, and when he or she is eighteen or over they are adults. This would create between the ages of seventeen and eighteen a kind of gray area. I think that was the reason for the majority of the Committee on Judiciary voting the Ought Not to Pass Report.

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

Mr. HICHENS: Mr. President, I rise to support the motion by the good Senator from Knox to accept the Minority Ought to Pass Report. I firmly believe, as some of the other members of the Senate, that the 106th Legislature caused a great disservice to our courts when they increased the juvenile delinquency age from 17 years old to 18 years old.

I have had an article from one of our papers which was printed last fall, which I hope you have had opportunity to read, which explains some of the many problems which are encountered by the courts and our county attorneys as a result of that change in the age, and truly the judges and the county attorneys have been frustrated as to how to cope with the problem.

Under the present law, for violations committed by an individual prior to attaining his eighteenth birthday he must be charged with a juvenile delinquency offense. When such an individual is seventeen and a half or older, the judges in the district court and superior court do not feel that commitment to the Boys Training Center will be of any benefit to a juvenile who could only spend six months or less at the Training Center for rehabilitation purposes, so the courts hesitate to commit any juvenile who would only spend several months at the center.

The only alternative, of course, is to grant probation to the juvenile, which many times is not the proper remedy to best serve the individual or society. If the juvenile age offender could be returned to seventeen years old, the courts could then commit a juvenile to the Boys Training Center until he attains the age of eighteen, which is the minimum required time to properly rehabilitate a juvenile in most instances. After attaining his seventeenth birthday; that is, if the law is changed, the juvenile would no longer be treated as a juvenile but rather as an adult, granting the courts more discretion in manner of which to impose whatever penalty the court sees fit and proper under the circumstances.

I realize that my bill was one of many which was submitted to the Judiciary Committee, and it pleases me, naturally, to think that my bill was one that was chosen to come out of the committee with a minority report of ought to pass.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: Many are called and few are chosen. But I think that the problems the Senator from York, Senator Hichens, has pointed out are problems that are now resolved by the change in the law which will be effective in September or October extending the jurisdiction of the juvenile court to past a person's eighteenth birthday. The problem is under the present law that the court loses jurisdiction when the person reaches eighteen, therefore, they lose jurisdiction and they can't do anything in the juvenile court over a person who is approaching his eighteenth birthday. But if their jurisdiction is extended, which we have already done, it seems to me that we have taken care of the problem and we can still have our law remain consistent as to when a person reaches adulthood. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate accept the Minority Ought to Pass Report of the Committee.

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

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 Hancock, Senator McNally.

Mr. McNALLY: Mr. President, what little time I have been in politics I have been very careful not to make too many promises, but I sure as the world promised Judge Smith that if there was one thing I would do down here I would convey the thing that he has said has been one of the worst things that has ever happened, which was when a juvenile was called eighteen years old. And I most certainly am going to vote for this.

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

Mr. CLIFFORD: Mr. President, I believe that the good Senator, Senator McNally, has already done what he told the judge he would do in extending the jurisdiction of the court to beyond eighteen. I think the problem has been solved, and that this would really create the gray area again where someone has full adult rights but is treated as a juvenile under the juvenile laws, and the court, when someone turns eighteen, continues jurisdiction and can deal with that person under the law.

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

Mr. ROBERTS: Mr. President, I concur completely with the good Senator from Androscoggin, Senator Clifford, that what we are trying to do is to make a little consistency in the law, and gosh knows there is little enough of it. But none of us foresaw the problem because under the technical rulings that they received they were no longer able to continue to consider a juvenile when he became eighteen, so if he didn't get tried for his offense while he was still seventeen, there was a problem in being able to sentence him to the schools and a problem in the schools in keeping him after he became eighteen. Now, as Senator Clifford has said, that problem has been taken care of.

If you want to call it 12 or 13, 15, 17, I don't know that it makes any difference, but I thought we had a reasonable argument two years ago to change it to eighteen in order to at least have some consistency so that somebody wasn't seventeen for one purpose and eighteen for another purpose. I think all the problems that have been created have been created, as Senator Clifford says, because no one foresaw the fact that the courts would lose jurisdiction if they didn't try him for that particular case while he was still seventeen. Now that that has been taken care of, I don't think this creates a problem.

We are not going to have the district courts run along nice and smooth. They have all got too many cases. I talked with Chief Judge Ross only last Sunday on my porch, and he indicated that the case load in two years has nearly doubled in the district courts throughout the state, and certainly this isn't going to solve any of their problems or make the courts run any smoother, except that it will take care of this one particular problem which has come up. So I would hope we would stay as we are at eighteen.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I just want to second the remarks of the good Senator from York, Senator Roberts, and the Senator from Androscoggin, Senator Clifford. The Judiciary Committee was really posed with two solutions to the problem which Senator McNally pointed out, which is a real problem, or was a real problem. We were faced with these two solutions, one of which was to do what the federal government has done and provide for the jurisdiction to continue in these cases, and the other was to go as we went here.

Now, I discussed this matter before I made up my mind as to which solution was best with many judges to find out from the standpoint of preserving the law and ensuring that young people who violate the law have the penalties meted out that they are deserving, to make sure that that would happen, and I was convinced after talking to these many judges, as were the vast majority of the members of the Judiciary Committee, that the best way to go was the way the federal government has gone, and this Senate and this Legislature has taken that action. I think they are to be commended for that action, and I think when we go home and talk to the judges and the police, and when they start seeing the law that we have passed working, I think they are going to be pretty enthusiastic about the new tool that we have given them to take care of these problems.

I don't think that this change is necessary. I think it will just add inconsistency to the books, and I think the approach we have taken is much better from the standpoint of solving the problems that prompted the judge to speak to Senator McNally. I think that we can be proud of the job that we have done already in this area, and nothing more is needed.

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

The Secretary will call the roll.

ROLL CALL

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

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

ABSENT: Senators Danton and Katz.

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

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Provide Lifeline Electrical Service for Older Citizens." (S. P. 8) (L. D. 20)

Reported that the same Ought Not to Pass.

Signed:
Senators:

GREELEY of Waldo
CYR of Aroostook

Representatives:

LITTLEFIELD of Hermon
SAUNDERS of Bethel
LUNT of Presque Isle
TARR of Bridgton
NADEAU of Sanford
LEONARD of Woolwich
BERRY of Buxton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-255).

Signed:

Senator:

CUMMINGS of Penobscot

Representatives:

SPENCER of Standish
KELLEHER of Bangor
GRAY of Rockland

Which reports were Read.

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

The PRESIDENT: The Senator has the floor.

Mrs. CUMMINGS: Mr. President, three-quarters of Maine's 114,000 elderly citizens have only social security to support them. In 1972 this meant, according to federal figures, that most senior citizens received less than \$40 a week for household costs. This would include, of course, oil, gas, telephone and electricity.

There is little difference between Lifeline and other traditional reduced price practices for older citizens, such as discounts offered by drug and department stores. There is right now an experimental Lifeline service project just starting in Rumford and Milbridge. New England Telephone is providing a Lifeline rate for a restricted number of calls a month at 40 percent below what other residential customers pay.

This bill proposes a similar project for electrical utilities, where a flat rate of 3 cents a kilowatt hour for the first 500 hours used in any month would be charged. Thus, if a household used 100 hours, the cost would be \$3, and after 500 hours the rate would be the same as for other households.

Lifeline is designed to help provide a basic amount of electricity for the basic needs of the elderly, and I hope that you will support the Ought to Pass Report.

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

Mr. CYR: Mr. President and Members of the Senate: I would like to explain to you why I signed the Ought Not to Pass Report on this bill. However, since I have read the amendment, which establishes just a pilot program, my objections are not as severe. But I would like to bring to your attention some of the argumentation that came up at the hearing.

First of all, this would apply to all senior citizens when they reach the age of 62, regardless of their financial status. You can see that this can be very dangerous. Also, the savings that would be accrued through this program naturally have got to be passed on to somebody, and some people that have written to me, for instance, stated "I would just as soon pay a little bit more on my electric bill and not have this picked up by my children." Particularly a young family that has a lot of washing to do and a lot of cooking to do, naturally their bill is going to go up, so

actually what you are doing is transferring the load onto the younger generation, the younger people, and there are many families that just cannot afford it.

I am in total sympathy with the intention of this bill and the intention of the sponsor. I think that our senior citizens deserve all the attention and all the breaks that we can give them, but I don't think that this will do it. Here again, we are using the wrong tool to solve an economic problem. It should be done through a stamp program similar to the food stamp program. That would make a lot more sense to me. The administrative problems, of course, will be great on this bill, and that also will add on costs to those that will have to pay their full bill. There is also certain discrimination. You can probably say that you are discriminating because the senior citizen who is heating his home today electrically will benefit through this bill, but how about the senior citizen who has an oil heating furnace or a wood stove? This would be discrimination against the group. And it is for that reason that I signed the Ought Not to Pass Report.

Now, as far as the amended bill — and I wasn't aware of this until I just picked it up and read it — this is only for a pilot program so of course my objections are not as severe, and I will not fight it any more then just explain to you why I signed the Ought Not to Pass Report.

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

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

The Chair recognizes the Senator from Kennebec, Senator Reeves.

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, just one further word on this bill. I think the name is a good one, the "Lifeline for Older Citizens", because, as Senator Cummings has said, there are a lot of our old people who are living on fixed incomes of approximately \$40 a week, and they worry constantly about how to save on electricity and how they can maintain a minimum service and pay their bills. I think all of us may have this problem but the old people don't have the resources to call on. They need this electricity for refrigeration, for lights, TV, or whatever appliances, including the blower in their furnace, and this bill is designed to provide just those minimum services.

What it does is give them a chance to save by conserving on the amount of electricity that they use. Right now, the way the system is set up, the more they use the more they pay, and some of the old people who use very little electricity pay as high as 12 cents a kilowatt hour, whereas some of the large companies, as

we have heard recently, pay as little as 21 mills.

Also, I might point out that the employees of the larger power companies do get discounts, which means that they pay less than 2½ cents a kilowatt hour, so this rate of 3 cents a kilowatt hour is quite above that.

I believe, as amended by the committee, that this is a demonstration project in much the same manner as the Lifeline experiment now under way by the telephone company. The Public Utilities Commission has come out in favor of this, and although I know that this program has worked well in other states and has already proven itself, I am certainly prepared to accept this cautious approach outlined in the amendment because it will give us the experience on whether or not this system will work here in Maine. But I think our old people need some help in this field, and we don't have the money, the tax revenues, to do it, so I think that we can explore this kind of a system whereby conservation which is now practiced by the old people actually results in some saving to them so they can plan for the future. I hope you will support the Ought to Pass Report.

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

Mr. PRAY: Mr. President, I have heard it said countless times this session that again we have a piece of legislation which attacks the problem from the wrong direction, but the question before us right now is whether or not we are going to accept the bill that is before us. And if this bill can be ratified in any way to rectify some of the problems that our senior citizens have, in the alternatives that we have, then we are going to accept this report today to get it to the second reading, and then perhaps those individuals who have some problems with it and feel as if they have some alternatives could then offer it to this session; otherwise, the session is going to be gone and again our senior citizens, those that need the help, are again going to be left out in the cold.

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

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.F., Jr.; Carbonneau, Cianchette, Clifford, Conley, Corson, Cummings, Curtis, Graffam, Graham, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves and Trotzky.

NAYS: Senators Berry, R.N.; Collins, Cyr, Gahagan, Greeley, Hichens, Huber, Jackson, Johnston, Roberts, Speers and Thomas.

ABSENT: Senators Katz, Danton, and Wyman.

A roll call was had. 17 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with three Senators being absent, the Minority Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Defining the Warranty of Habitability and Providing Remedies Therefor." (S. P. 272) (L. D. 878)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-260).

Signed:

Senators:

MERRILL of Cumberland
CLIFFORD of Androscoggin

Representatives:

HUGHES of Auburn
SPENCER of Standish
MISKAVAGE of Augusta
McMAHON of Kennebunk
HENDERSON of Bangor
HOBBINS of Saco
BENNETT of Caribou

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

Signed:

Senator:

COLLINS of Knox

Representatives:

HEWES of Cape Elizabeth
GAUTHIER of Sanford
PERKINS of So. Portland

Which reports were Read.

Mr. Conley of Cumberland moved that the Senate Accept the Majority Ought to Pass as Amended Report of the Committee.

Thereupon, on motion by Mr. Collins of Knox, tabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland that the Senate Accept the Majority Ought to Pass as Amended Report of the Committee.

Divided Report

The Majority of the Committee on Energy on, Bill, "An Act Creating the Passamaquoddy Hydro-electric Tidal Power Authority." (S. P. 178) (L. D. 692)

Reported that the same Ought to Pass in New Draft Under Same Title (S. P. 550) (L. D. 1915)

Signed:

Senator:

CIANCHETTE of Somerset

Representatives:

KELLEHER of Bangor
FARLEY of Biddeford
DAVIES of Orono
GREENLAW of Stonington
BENNETT of Caribou
CONNOLLY of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (S. P. 551) (L. D. 1916)

Signed:

Senators:

TROTZKY of Penobscot
ROBERTS of York

Representatives:

TORREY of Poland
JACKSON of Yarmouth
DURGIN of Kittery
BYERS of Newcastle

Which reports were Read.

Thereupon, on motion by Mr. Roberts of York, the Minority Ought to Pass in New Draft Report of the Committee was 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 Concerning Disaster Relief

under the Civil Emergency Preparedness Statutes." (H. P. 899) (L. D. 1086)

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

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

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

Sent down for concurrence.

(See action later in today's session.)

House — As Amended

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

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

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

Bill, "An Act Making Financial Aid Formulae Consistent with the 100 Percent State Valuation." (H. P. 648) (L. D. 800)

Bill, "An Act Relating to Expenses for Examination of Insurers." (H. P. 982) (L. D. 1245)

Bill, "An Act to Amend the Subdivision Law to Provide for More Housing in the State." (H. P. 1006) (L. D. 1274)

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

Bill, "An Act Authorizing Regulations Relating to Governmental and Commercial Buildings within the Capitol Complex Area." (H. P. 1275) (L. D. 1578)

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

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)

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

Bill, "An Act Relating to Water Districts." (H. P. 815) (L. D. 989) Which was Read a Second Time.

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

Mr. CYR: Mr. President and Members of the Senate: I didn't want to let this bill go through without an explanation because it touches every community in the State of Maine, particularly every community that has a water district.

As you know, water districts were started, particularly after World War II many districts were organized, to circumvent the constitutional limitation of 5 percent of your total valuation. And to guarantee the bonds, section 5053 was passed, which gives a blanket mortgage on all properties within that district to the bonding company. However, the procedure to follow in case of default, the bonding company could attach any one of our properties and satisfy their default. Now, the recourse of that individual whose property has been taken, of course, he would have to sue the community.

Now, this went all right so far without any objection from the municipalities. However, I know many of you probably read what happened to the State of New York when the housing authority defaulted on a 110 million dollar bond sometime in January, I

believe, and the bonding company came to New York to the legislature and presented the default. Now, the legislature said no way; you got into that trouble yourself, get out. Well, that was all right possibly for New York, but what happened was that this had a ripple or a wave reaction on all of the bonding companies in the country, and as such, they began looking into their own bonds and they began to search or find some problems with some of the bonds that they have already issued. As a result of that, 5053 was under what they call legal suspect, a legal cloud. Now, nobody knows whether or not it would be legal for them to satisfy that default through this section 5053.

As a result of this, many bills were introduced during the session representing water districts. Sanford had one, Brunswick had one, Portland had one, and Auburn had a sewer district. The clauses that they put into these districts were not acceptable to some of us. We requested legal opinions from the Attorney General, and the opinion that came back to us was that it would be unconstitutional, the provision that they had provided to remedy this situation. However, we knew that we had a problem because Portland itself, for instance, is supposed to be going into a bond issue. Now, in their own case the rating of their bonds would have been lowered and in the case of Portland, for instance, over a period of fifteen years the bond would have cost 2½ million dollars more.

So in trying to resolve this problem we used other different approaches, and on every one of these approaches we requested an opinion on the part of the Attorney General. We have had this knocked around between the Attorney General and the committee all season. Now, we finally arrived at a program which is acceptable to the Attorney General's Office, and this is the bill that we are passing now. But I would like to tell you a little bit of what this will do.

There is a local option referendum on this. Every district and every municipality that wants to go into bonds and wants to have the privilege of a lower rating can present this to their town meeting or their legislative body — like in Portland, for instance, it happens to be the city council; in my community it has to be a town meeting — but it has to be presented to the legislative council and they have to approve or disapprove this. If they approve it, then it is filed with the Secretary of State.

Now, what this does, in case of a default, the water district has the authority to file a warrant with the local tax collector for the amount of the default. If your community has approved it before, then it automatically goes onto your taxes, it is assessed onto your taxes, the amount of the default. Now, there has never been a default in the State of Maine in any of the water districts, however, because of this legal cloud which was hanging over our head and was lowering the rating of our bonds, we had to come up with this program, which I think will satisfy everyone and, as far as I know, it satisfies the bonding companies also, because we have checked with Ropes and Gray and they would be satisfied with it. So I hope it goes its merry way and doesn't have any trouble.

The PRESIDENT: Is it now the pleasure of the Senate that L. D. 989, as amended, be passed to be engrossed?

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

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

Bill, "An Act Creating the Maine Health Maintenance Organization Act." (H. P. 494) (L. D. 724)

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

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

Sent down for concurrence.

Reconsidered Matter

On motion by Mr. Merrill of Cumberland, the Senate voted to reconsider its former action whereby it Passed to be Engrossed the following:

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MERRILL: Mr. President and Members of the Senate: The purpose of this bill, which is stated in the statement of fact, which is to make it easier for the municipalities to take an appeal from the state valuation, is a laudable purpose, and it is something that the Taxation Committee in general and the Chairman of the Taxation Committee specifically has been working on and I think has come to a solution that is a good one, and a better one than is presented in this bill. We have spent quite a bit of time discussing the problem of how a community will be able to take an appeal, which they presently can't do, and in a situation where we have a time frame where the bills, in essence have to be sent out to the towns, and where the appropriations have to be made on the basis of the appraisal, and what situation happens when that has been overturned in regards to the town being paid back or in regards to how, if you were to make one change in the valuation of one town, it could change the whole situation.

Now, I think we have come up with a solution on the Taxation Committee through the work of the Chairman that meets these criticisms and does some other things that need to be done in this regard, such as specifically switching the burden of proof from the municipality to the state in regards to the valuation. My comments I guess are that this bill goes in a good direction, but I think we will have a better vehicle before us, and I would appreciate it if somebody would place this on the table for a period of time so that we can put them beside each other and make a comparison to see which is the best vehicle to accomplish this laudable goal.

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

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

Senate

Bill, "An Act Concerning the Office of Energy Resources." (S. P. 549) (L. D. 1913)

Which was Read a Second Time.

Thereupon, on motion by Mr. Huber of Cumberland, tabled and Specially Assigned for June 6, 1975, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act to Clarify Standing before the Board of Environmental Protection." (S. P. 352) (L. D. 1152)

Which was Read a Second Time and Passed to be Engrossed, as Amended. Sent down for concurrence.

Enactors

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

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

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

On motion by Mr. Speers of Kennebec, and under suspension of the rules, the Senate voted to take up the following matter which was tabled earlier in today's session by Mr. Conley of Cumberland:

House

Leave to Withdraw

The Committee on Transportation on Resolve, Directing the Department of Transportation to Authorize Access from U. S. Route 1 to an Industrial Park in the Town of Woolwich. (H. P. 1434) (L. D. 1712) reports that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Pending — Acceptance of the Committee Report.

Thereupon, the Leave to Withdraw Report of the Committee was Accepted in concurrence.

Orders of the Day

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

House Report — from the Committee on Health and Institutional Services — Bill, "An Act to Expand the Authority of Pharmacists to Dispense Drugs by their Generic Names." (H. P. 176) (L. D. 200) Ought to Pass as Amended by Committee Amendment "A" (H-494).

Tabled — June 2, 1975 by Senator Hichens of York.

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

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 and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

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

Tabled — June 2, 1975 by Senator Collins of Knox.

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

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

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

Mr. COLLINS: Mr. President and Members of the Senate: I have been tabling this particular bill because it seemed to me that the Senate ought to take

more careful notice of what we have been doing with the classified service employees of the State of Maine.

The present law provides that classified employees may not solicit or receive funds in political campaigns or related to political campaigns.

When I began to study this bill I discovered, somewhat to my dismay, that we had already enacted a couple of weeks ago a bill which repealed this section of our law. The original bill that is now before us on the pending question started out to say that it was all right for the classified service employees to solicit political contributions so long as they did it on their own time and off the state premises and did not solicit their fellow employees. But the matter has been twice amended — a couple of other amendments have been dropped by the wayside — so that it now no longer deals with the political contribution and solicitation matter. But I raise the question because I have found that many of my fellow Senators did not realize that we have given to our state employees a right that they have not enjoyed for a long time now to become active in partisan political campaigns as campaign workers and as campaign solicitors of funds.

When I discussed this with members of the State Government Committee and with a representative of the State Employees Association, I found a sentiment to permit state employees to take a maximum part in political activity, and I was referred to the changes made by the Congress last year in the Hatch Act. I think we will all remember that name, Hatch Act, which for a long time has been the guide to prohibition of political activity among federal employees. The changes in the Hatch Act last year clarified several problems that had existed with respect to state employees whose salaries were being paid in large part, or in some part, by federal funds, and it was made clear that the use of federal funds to pay those salaries was no longer to be a problem.

However, the changes made by the Congress still provide that where state law establishes more strict prohibitions on the political activity of state and local employees, these prohibitions remain in effect. It was not the intent of the Congress to preempt or supersede by the amendment any existing state law. And this, of course, is why these two bills were submitted this session.

It is indeed desirable for state employees to take part in some degree of political activity. It is clear that they can do this in their municipalities on school boards and city councils that do not operate in a party fashion and various quasi-municipal districts and school districts. And it is clear that everyone has the right to make contributions to the party and candidates of their choice, to attend public meetings, and indulge in a number of other minor activities in the political process. But it seemed to me that we are going a step beyond what may be good sense in deliberately permitting a classified employee of the state to become a political party worker soliciting funds for candidates. I know that in this body I do not need to give you illustrations of how this may work.

It seems to me that a political candidate espousing a particular cause and the spending of large amounts of money in a particular direction is bound to have the people that are connected with that function of the government active in his campaign. They have every incentive to become involved because more money will

be spent in their department if that candidate wins.

Now, if this is what the legislature wants, then I will subside quickly. I have been trying to put together an amendment that would at least restore in part some of these prohibitions. It is not completed yet, so I do not have anything to offer. And if there is no support for my reasoning, then the matter will end here. If there is support for it, I would hope that someone might table the matter so that further work could be done.

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

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and Specially Assigned for June 6, 1975, pending Passage to be Engrossed.

The President laid before the Senate the third 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 — June 3, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the Senate — Passed to be Engrossed.)

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

(In the Senate — the Senate Receded from Passage to be Engrossed; Senate Amendment "A" (S-252), Adopted.)

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

Sent down for concurrence.

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

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 — June 3, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

(In the House — Passed to be Engrossed.)

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

The President laid before the Senate the fifth 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 3, 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).)

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

Mr. BERRY: Mr. President and Members of the Senate: I stand in opposition to the pending motion and, if I may speak briefly on the subject, I would like to explain to the Senate why.

The bill before us, 1702, is an act relating to dropouts and potential dropouts. The bill requires each school district in the state to establish a positive action committee to study the dropout problem in that district. The committee is to develop a plan to deal with the district's dropout problem. By December 31, 1976 the plan is to be presented to the district school board for adoption as part of the policy of that district.

The bill was introduced as a result of two studies of the dropout problem. The first study was a report of Children's Defense Fund, Washington, Children out of School in America, issued in October, 1974. The second study was a report of the former Governor Curtis' statewide dropout project, completed in June, 1974. Both studies present inescapable conclusions that a large number of Maine youths are dropping out of school or being pushed out of the conventional educational system. Dropouts and pushouts come almost exclusively from low income families.

Conclusion of the Curtis dropout study: no one, except for a few scattered projects, is successfully working with dropouts. Neither the state nor the local school districts have any policy or plan that recognizes there is a dropout problem or attempts to find a solution.

Kids who drop out of school are those who fill the unskilled labor market, the ones who are forced to work for the lowest wages, the ones who leave the state in the largest numbers, the ones who will have the least opportunity to make something of their lives.

This bill establishes a committee of the following: school board members, teachers, students, school administrators, parents, and the dropouts themselves. It will have them sit down together on the local level to find out the extent of the dropout problem in their community and ask them to find a solution to the problem. School boards will have the ultimate control of the cost because it has a right for final adoption or rejection of the plan.

If I may just for a moment, on the amendment that has been put onto the bill, the amendment makes four changes in the original bill. It provides that instead of two teachers being represented on the committee there will be one teacher and one guidance counselor. It deletes the requirement that there be two junior and two senior high school students on the committee from every junior and senior high school of that unit. It provides that the local school board or the school committee shall have the right of final review before the plan becomes a school policy. And it corrects typographical errors that are contained in the original bill.

I would urge the Senate to defeat the Ought Not to Pass motion and to accept the Ought to Pass Report.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, so that the Senate will not in any way think that the good Senator from Androscoggin is taking advantage on this particular bill because

the good Senator from Kennebec, Senator Katz, is missing, I would like to state and make it clear that Senator Katz spoke with me yesterday relative to this matter and he told me it was perfectly all right to move this piece of legislation along. Now, he didn't say in which manner, but he said it was obvious it was all right to take it off the table. I told him I was a supporter of the bill and opposed to accepting the Minority Ought Not to Pass Report.

I think that there is a great deal to be gained by this piece of legislation. It is primarily permissive, enabling legislation, and it quite clearly spells out that these reports must be made at a given time and expires beyond that period of time that the report is not made.

So I would support the position of the good Senator from Androscoggin, Senator Berry, and would hope that the Senate would vote against accepting the Minority Ought Not to Pass Report.

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

Mr. BERRY: Mr. President, I apologize to the President and Members of the Senate. I had heard Senator Katz and seen him earlier this morning and assumed he was in the area. When the vote is taken I would request a division.

The PRESIDENT: A division has been requested. All those Senators in favor of the acceptance of the Minority Ought Not to Pass Report will please rise in their places until counted.

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

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

The President laid before the Senate the sixth 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 3, 1975 by Senator Conley of Cumberland.

Pending — Final Passage.

(In the House — Finally Passed.)

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I am going to move that under suspension of the rules the Senate reconsider its action whereby this resolution was passed to be engrossed, and I would like to explain the reason for my motion.

Procedurally the motion was not made before because, as I understand the procedure, when a conference committee report comes into a body and is accepted no such motions can be made and that the conference committee motion is the only one which can be acted upon.

The purpose of my moving to reconsider this bill is to allow the good Senator from York, Senator Hichens, to offer an amendment which will limit the second regular session to certain items specified. It is essentially the same amendment that many members of this body said they were in favor of when this was initially debated, but was never offered because that

limitation was included in the amendment which the Senate did adopt and, of course, which was changed at the committee of conference level.

I think, Mr. President and Members of the Senate, that I am in favor of annual sessions of the legislature for the purpose really of getting the legislature to convene on an annual basis and to avoid what has become a routine matter anyway, and that is a special session in every off year. We did debate the issues of whether or not there should be some limits to annual sessions, and I think the Senate fairly strongly indicated that there should be some kind of limit placed on legislative sessions to insure the continuance of citizen participation in the legislative process.

Now, the amendment which will be offered, it is my understanding, is a fairly simple amendment and it is a very limited amendment. It does not deal with the first regular session but does deal with the second regular session, and does not put time limits on that session but does place limits on the types of items that can be considered. So I would hope that we could reconsider this action and discuss the amendment to be offered on its merits, and then vote on the amendment on its merits as to either for or against. And I do think that what we are talking about here is some kind of reasonable limits relative to subject matter which will guarantee that the legislature will not be in session on a year-round basis every year, which I think would result in the loss of citizen legislators, and I think that would be a great loss to the State of Maine. Thank you, Mr. President.

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

Mr. BERRY: Mr. President, I am in opposition to the concept of putting restrictions on the type of legislation that could be introduced at either session. I have historically been opposed to this type of restriction. As we said earlier in the debate, I think a time restriction has a lot of merit because it will force, I think, both houses to adopt new procedures and streamline the matter.

I use the old analogy of being forced under the gun to do something. But I do feel that putting a straightjacket on the second session is just that; that there may well be matters that should be considered other than those that would be stipulated in the subject matter that could be brought up. For instance, a favorite restriction for the second session is confining it, say, to budgetary matters or financial matters. There well could be social matters, all sorts of things that should be considered, and I do not believe it advisable to shackle either session of the legislature by a type of legislation, so I certainly shall oppose suspension of the rules for reconsideration.

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

Mr. CURTIS: Mr. President, I would like to support the motion for reconsideration. It seems to me that before we take action on this really important constitutional amendment we ought to have an opportunity to look carefully at all of the proposals for governing the second annual session, if such a session is to occur.

I have looked at the proposed amendment which the Senator from York is considering and would like to offer, and it seems to me it is a sensible amendment

and one that at least ought to be looked at and analyzed in great depth.

My primary argument in support of this is that we spend close to six months reviewing almost 2,000 bills, and if we have unlimited opportunity to introduce any new legislation in the second regular session, I really think that we are likely to end up reviewing almost all of those 2,000 bills all over again in the second year, even though the same people are in the legislature and even though they are likely to make the same usually negative decisions on legislation. I think there is a certain amount of value in a gestation period of two years for some of this legislation.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: In answer to the good Senator from Cumberland, Senator Berry, I do think that the amendment to be offered is flexible enough so that items of importance would be able to be admitted, studied items would be allowed to be admitted, and of course any emergency items would be admitted. But it would prevent the situation of all the same bills in the first regular session of a non-emergency nature being reintroduced in the second regular session and making that session into a six or seven months situation, which would, I think, result in a substantial decrease in the number of citizens who would be willing and able to run for the state legislature.

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

Mr. BERRY: Mr. President and Members of the Senate: I would like to point out to the good Senator from Androscoggin, Senator Clifford, that he has got a very good piece of legislation in a very delicate posture at the moment, and I think we should be pretty careful what we do here.

One of the procedures that has been used to a greater extent this session than in any session I recall previously has been this "leave to withdraw" mechanism by which a sponsor of bills seeks a "leave to withdraw" report instead of an unfavorable one so he can introduce it at the special session. Now, this will be precluded if we adopt this amendment, and I think this would get a lot of votes against the bill. So I think we are perhaps at the crossroads on this, and I am afraid this amendment might well end up killing this whole proposal.

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

Mr. HICHENS: Mr. President and Members of the Senate: I have been asked many times why I have not supported annual sessions, and I told them that the only reason I would support annual sessions was the provision that we wouldn't have to rehash year after year what we have to rehash every two years at the present time. And with this amendment, I believe that it will take care of that situation. If the amendment is not accepted, I will have to stick with my original position and vote against the bill when it comes up for final enactment.

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

Mr. WYMAN: Mr. President and Members of the Senate: I don't think we need this legislation at all. We have two ways to call special sessions: one is by the

Governor, and the other is by the legislative leadership. In essence, we are having annual sessions. I think the Reference of Bills Committee is doing a terrific job in screening bills, and maybe we should give them some further rules to go by, but I think it can all be handled by the Committee on Reference of Bills, and I don't think we need to put this in the Constitution.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Clifford, that the Senate reconsider its action whereby this bill was passed to be engrossed. In order to reconsider, it will require a two-thirds vote of those members present and voting.

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

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, would you explain to me why we need the two-thirds to reconsider?

The PRESIDENT: The Chair would reply that it has been over one day since this matter was passed to be engrossed and, therefore, it needs a two-thirds vote.

All those Senators opposed to reconsideration will please rise in their places until counted.

Obviously less than two-thirds having voted in the affirmative, the motion to reconsider does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Thereupon, on motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.

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

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

Tabled — June 3, 1975 by Senator Cummings of Penobscot.

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 Mr. Speers of Kennebec, retabled pending Passage to be Engrossed.

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

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

Tabled — June 3, 1975 by Senator Corson of Somerset.

Pending — Motion of Senator Speers of Kennebec to Reconsider Action whereby House Amendment "B" (H-554) to Committee Amendment "A" (H-354) was Indefinitely Postponed, in non-concurrence.)

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-354) as amended by House Amendment "B" (H-554).

(In the Senate — House Amendment "B" to Committee Amendment "A" Indefinitely Postponed, in non-concurrence; Committee Amendment

"A" Adopted, in non-concurrence; subsequently, Adoption of Committee Amendment "A" was Reconsidered.)

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

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

Senate Reports — from the Committee on Health and Institutional Services — Bill, "An Act to Provide the Citizens of the State of Maine with Uniform Quality Pharmaceutical Health Care." (S. P. 345) (L. D. 1146) Report "A" — Ought Not to Pass; Report "B" — Ought to Pass as amended by Committee Amendment "B" (S-240); Report "C" — Ought to Pass as amended by Committee Amendment "A" (S-241).

Tabled — June 3, 1975 by Senator Corson of Somerset.

Pending — Motion of Senator Corson of Somerset to Reconsider Acceptance of Report "A", Ought Not to Pass.

(In the Senate — Report "A", Ought Not to Pass, Accepted.)

On motion by Mr. Hichens of York, retabled and Tomorrow Assigned, pending the motion by Mr. Corson of Somerset to Reconsider Acceptance of the Ought Not to Pass Report "A" of the Committee.

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

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

Tabled — June 3, 1975 by Senator Graffam of Cumberland.

Pending — Motion of Senator Berry of Cumberland to Indefinitely Postpone House Amendment "A" (H-606) to Committee Amendment "A" (H-380).

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

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-380) as amended by House Amendment "A" Thereto (H-606), in non-concurrence.)

(In the Senate — Senate Receded from Passage to be Engrossed and subsequently Receded from Adoption of Committee Amendment "A".)

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

Mr. BERRY: Mr. President and Member of the Senate: This is a classic example of display of ignorance on my part, and I wish to apologize for taking the time of the Senate. If I had looked into the matter before I got up yesterday and talked, we would not have had this delay.

What has happened is that from reading the bill and the amendment I couldn't imagine a situation as bad as was proposed by the amendment. I find that actually the amendment will clear up a situation which is causing a great deal of problems and we certainly should pass this bill.

Accordingly, Mr. President, I hope we can recede and concur with the House.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Graffam.

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

Reconsidered Matter

The following Bill was held on June 3, 1975 at the request of Senator Pray of Penobscot, pending Consideration:

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

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-466) and House Amendment "A" (H-345).

(In the Senate — Minority Ought Not to Pass Report Accepted, in non-concurrence.)

(In the House — That Body Insisted.)

(In the Senate — The Senate Adhered.)

Mr. Pray of Penobscot then moved that the Senate Reconsider its former action whereby it voted to Adhere.

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

Mr. CONLEY: Mr. President, I think it is highly unlikely, and I hope the Senate will vote no.

The PRESIDENT: The Chair will order a division on the motion by the Senator from Penobscot, Senator Pray, that the Senate reconsider its action. Will all those Senators in favor of reconsideration please rise in their places until counted.

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

Paper from the House

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

Enactor

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

Emergency

AN ACT Providing for Temporary Interim Relief Relating to the Availability of Hospital and Medical Malpractice Insurance. (H. P. 1160) (L. D. 1459)

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

Mr. REEVES: Mr. President, I would just like to ask a question about this bill. I wasn't able to read it, and wondered if the relief that is mentioned in the title of the bill was to be paid for and by whom?

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, the only time that this law would go into effect would be when the Commissioner of Insurance finds, upon receiving a complaint, that there is no way for doctors to get coverage under malpractice. He would then call for a public hearing relative to that subject matter so that the joint insurance underwriters would get together to form a pool to provide the malpractice insurance.

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

Mr. CURTIS: Mr. President, I would like to pose a question through the Chair because I note in my copies of engrossed bills that I don't have L.D. 1459. I don't

know if that is just me or nobody else has it either, but I would like to inquire whether there is any change, any amendment, from the printed copy of the bill.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, there is absolutely no change in the enactor other than when the amendment was presented before the Senate two days ago.

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

Mr. REEVES: Mr. President, I am afraid I didn't pose my question very well, but it is basically this: If the Commissioner of Insurance finds that malpractice insurance is not available, holds a hearing, and the insurance underwriters form this pool, who is going to pay for the extra risks involved? I mean, is the public going to pay for what the doctors don't pay in malpractice insurance? That is my question, Mr. President.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I believe that when one first went into a hospital several years ago, upon admittance to the hospital I think the first 27 cents that was paid was for malpractice insurance on the hospital, that the patient paid. Today when he walks into the hospital the first \$7.20 on his bill upon admittance is for malpractice insurance.

If a doctor today is unable to obtain malpractice insurance, under this bill, as I said, it would formulate an insurance underwriters' pool whereby he himself would pay for the cost of the malpractice insurance, which eventually would be passed down to the patients, I would assume.

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

Mr. BERRY: Mr. President, I would ask the good Senator from Cumberland, Senator Conley, if there would be anything really wrong if this were tabled for one legislative day?

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

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

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.