

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, June 5, 1975

Senate called to order by the President.
Prayer by Dr. Richard Cleaves,
Winthrop.

May we pray. Eternal God, we thank you for the fruitfulness of the land that you have given to us and the fruitfulness of the seas, and we would pray that as we carry out the responsibilities that we all have in our particular tasks that we too may be fruitful servants of yours and of our people of the state; that because of us there may be onward growth. Amen.

Reading of the Journal of yesterday.

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

Mr. REEVES: Mr. President and Members of the Senate: It has been brought to my attention that I have made statements in radio interviews and in the press that have been construed to cast doubt on the integrity of the members of this Senate and on the Maine Legislature as a whole. I want to apologize for this. This was certainly not my intention. Thank you, Mr. President.

Mr. Hichens of York was granted unanimous consent to address the Senate:

Mr. HICHENS: Mr. President and Members of the Senate: Before we recess, I would like to offer another one of my poetic contributions, as this is a special day, entitled "To Jerrold Speers":

What is so rare as a day in June
Or the one whom we honor today
Who's as rare a person as one could find
As he travels along life's way.
A handsome young guy with qualities
For which so many search
And yet it seems he's left each gal
Who pursues him — in the lurch.
One of the eligible bachelors
Who sit within these walls.
Who tables most important bills
Or rejects some tabling calls.
Pleasant with those with whom he meets
In office or Senate floor,
But determined to fight for what he believes
As lobbyists crowd his door.
Experienced far beyond his years
In each Senate's grave affair
As former Secretary here
And now in his Senate chair.
So it gives us pleasure this 5th of June
As he adds to his tender years
To wish birthday happiness and all
To Majority Floor Leader Speers.
(Applause)

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

Mr. SPEERS: Mr. President and Members of the Senate: I certainly wish to thank you for the recognition, and I wish to thank the good Senator from York, Senator Hichens, for his efforts. I really have received what I consider to be many honors in this chamber and I feel very deeply about this particular room. I was elected Secretary of this Chamber nearly eight years ago and served two years in that position, and a Senator in 1972 and am now in my second term, of course, and have been honored by the majority party in my election as its leader.

But really until this moment the very rare honor has escaped me, that being an accolade by the good Senator from York, Senator Hichens, and I do wish to thank him very, very sincerely because I now feel

that the honors conferred upon me by this body are, if not complete, at least nearly complete. Thank you, Mr. President.

On motion by Mr. Conley of Cumberland,
Recessed until the sound of the bell.

(After Recess)

Called to order by the President.

Papers from the House
Non-concurrent Matter

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

In the Senate May 30, 1975, Bill and accompanying papers indefinitely postponed, in non-concurrence.

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

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

Non-concurrent Matter

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

In the House May 21, 1975, Passed to be Engrossed as Amended by House Amendment "A" (H-433).

In the Senate May 30, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-237), in non-concurrence.

Comes from the House, that Body having Adhered.

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

Joint Order

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Maine Special Olympic Committee and the Joseph P. Kennedy Jr. Foundation Sponsor of the 1975 Maine Special Olympics State Meet which was held on May 30th and 31st at Portland Stadium and YMCA

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1663)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Resolution

STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of John A. Littlefield of Randolph

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt

condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 1661)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Communications

STATE OF MAINE

ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON ENERGY

June 4, 1975

The Honorable Joseph Sewall
President
Maine State Senate
State House

Augusta, Maine 04333

Dear President Sewall:

The Committee on Energy is pleased to report that it has completed all business placed before it by the 107th Session of the Maine Legislature.

Total Bills Received	16
Unanimous Reports	9
Leave to Withdraw	6
Ought to Pass	1
Ought to Pass in New Draft	1
Ought Not to Pass	1
Divided Reports	7
Total Number of Amendments	1
Total Number of New Drafts	3

Respectfully,

Signed:

JOHN B. ROBERTS
Senate Chairman

Which was Read and Ordered Placed on File.

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04330

June 4, 1975

To the Honorable Members of the Senate and House of Representatives of the 107th Legislature

I am, today, returning to you without my signature and approval L. D. 384, An Act Relating to State Employees Serving in Acting Capacities. I understand and commend the objectives of this measure in that we should not take advantage of State employees by requiring them to perform jobs without adequate and fair compensation. However, I believe that in its present form this legislation would create problems which far outweigh its advantages.

1. I am advised that this Act could produce a significant number of grievances because, while it states that no employee shall serve in an acting capacity in the classified service unless he or she has been certified eligible to serve in that position by the Director of Personnel, it also says that anyone serving in an acting capacity in excess of 60 calendar days shall be paid the salary assigned to the position. The term "acting capacity" is not defined by the Act and is subject to varying interpretations.

2. It also appears that under the terms of the Act, as now drafted, that an employee might be construed to be performing in an "acting capacity" even though he had not

been certified as eligible by the Director of Personnel, and that in such instances the State might be held liable for additional pay.

3. Furthermore, an employee serving in an acting capacity beyond 60 days would be paid the salary of the position at the same salary step which he or she had achieved in his or her permanent position. This would mean that employees serving in acting capacities would be paid at a rate higher than they would receive if they had been promoted to the position in which they are serving in an acting capacity.

4. It is also unclear whether the Legislature intended for the pay to commence on the 61st day, or to be paid retroactively from the time that the acting assignment commenced. These pay provisions, coupled with the lack of information concerning the frequency with which such assignments occur, result in increasing State costs by an unpredictable amount, and there is no statement to this effect on the Act and no appropriation for additional funds.

This legislation covers matters which should be negotiated under the State Employees Labor Relations Act passed by the Legislature last year. I believe that through the negotiation process there could be an exchange of viewpoints by both management and employee organizations which would result in eliminating some of the technical and procedural problems arising from the bill as now drafted.

Because of these potential conflicts and complications, and because the State's personnel system is currently being studied, I must respectfully veto this measure.

Sincerely,
JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

An Act Relating to State Employees Serving in Acting Capacities. (S. P. 119) (L. D. 384)

The PRESIDENT: The pending question before the Senate is whether or not this bill shall become a law notwithstanding the objections of the Governor.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: This is a bill which was considered by the State Government Committee, of which I happen to be the sponsor, and which received a unanimous Ought to Pass as Amended Report from the Committee.

The Committee considered the problem which was presented to us primarily by the Maine State Employees Association, but also by other employees organizations, of the situation in which a state employee in the classified service was directed to perform duties of a higher nature than that to which the employee was appointed. Some of these appointments or directions occur for a considerable length of time, and during that time the person not really serving in the full position is paid only his or her original salary, and not that salary commensurate with the job being performed. I bring your attention to situations such as the Motor Vehicle Department, in which a Clerk II has been serving since December 1974 as a Clerk IV, but being paid at the rate of Clerk II; a situation in the Agriculture Department, in which a produce inspector served from January until May at a higher position, and did not receive the appointment until the middle of May, and in the interim was

doing a job but not being paid the full amount of money for the job being done.

I would like to draw your attention both to the bill itself, L. D. 384, and also to the Governor's message to the Legislature. In the first paragraph the Governor indicates that he is advised that this act could produce a significant number of grievances. The State Government Committee considered the information which was presented to us. We do not know how many grievances might be occurred. We do not know how many situations this bill would apply itself to. We know there are some. We know there is a need for the corrective legislation. But if there is a significant number of grievances, I would suggest that this legislature ought to address itself to the problem.

The Governor also indicates that, in paragraph three, an employee serving in an acting capacity beyond sixty days would be paid the salary of the position at the same salary step which he or she had achieved in his or her permanent position. I would suggest that the second sentence of the bill itself, L. D. 384, addresses itself to that, and I think it is a reasonable approach to take. The bill says, "Any employee serving in an acting capacity in excess of sixty calendar days shall be paid the salary assigned to the position utilizing the same merit or longevity step the employee has reached in his regular position." That certainly, I would suggest, is a reasonable approach for Maine State Government to take towards its state employees, and will prevent using this ability of management to appoint employees to acting capacity.

I would suggest, finally, that any discrepancies which might occur, any problems, would be matters for the State Personnel Board to consider and to handle by rule and regulation, and any rule or regulation which is adopted by the State Personnel Board must receive the signature of the Governor. So I think that the chief executive, the primary employer of state employees in the state, would indeed have a very good control over the actual working of this law.

I would conclude that if a person is being asked and directed to do a job, then he should be paid the amount of money that the state has already allocated, appropriated, and determined to be the fair rate of pay for performing that job, and I think that we should enact this bill into law.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I have mixed emotions on this particular bill. Part of the bill provides that, as Senator Curtis said, somebody occupying a job should be paid that amount of money if his former salary was less. I have no objections to that, but I do object to the inflexibility built in here which could result in a person being denied the opportunity to act in a job if there were a question perhaps in somebody's mind who was making the decision whether the individual concerned could discharge the duties. It seems to me there should be this flexibility available to the appointing authority, be it the Governor or be it a department head, and for that reason, I really feel that this is something that should be handled more by rules and regulations than it should be by statute.

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would just like to point out to the Senate that the State Government Committee did take the original bill which provided for a thirty-day threshold and change that time to sixty days, because we agreed with the comments made by the previous speaker that there ought to be some flexibility in asking state employees to do work beyond which they are being initially directed or paid. I mean, we have got to have a system flexible enough so a person can fill in, but again sixty days is the threshold. And after sixty day of filling in for somebody in a higher job, again I would suggest that that person filling in ought to be paid what the job is worth.

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

Mr. SPEERS: Mr. President, speaking as the Senator from Kennebec and not as the majority floor leader, I would like to express my own personal feelings regarding this matter.

I think we all recognize the situation where for one reason or another there may be a temporary absence of one's superior, a director, a bureau chief, or whatever from a particular office, and another individual within that office has to step in and perform those duties. I think that is understandable and expected. But what we are addressing ourselves to in this particular bill is the situation where the position what was vacated, for whatever reason, simply is not filled as a permanent position, and it is not filled perhaps for any number of reasons, but the effect of that failure to fill the position is simply that the individual who is acting in that capacity is permanently involved with acting in that position. And if that is the case, it is my strong feeling that the individual ought to be paid for the job that he is doing. It is really as simple as that. The individual should be paid for the job that he is performing. And it applies after that individual has been in that job for more than sixty days.

So again, with all due respect to the chief executive, I do feel that this bill should become law.

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

Mr. BERRY: Mr. President and Members of the Senate: Let me cite you an example of why I object to that. Let's say that a good analysis of a system of operations results in the ability of a department head to say well, I think these two jobs can be combined, with a possible resulting savings, at least until the next session of the legislature, when I will recommend that they be combined. So he appoints an acting person to fill one of the two jobs. I think things like this are very important. This is what I mean by inflexibility.

The PRESIDENT: Is the Senate ready for the question? The pending question is: Shall this bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays". A vote of "Yes" will be in favor of the bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Cianchette, Collins, Conley, Curtis, Danton, Gahagan,

Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Speers.

NAYS: Senators Berry, R.; Carbonneau, Clifford, Corson, Cummings, Cyr, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Thomas, Trotzky.

ABSENT: Senator Wyman.

A roll call was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with one Senator being absent, the veto of the Governor was sustained.

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

Mr. **BERRY:** Mr. President, having voted on the prevailing side, I move reconsideration.

The **PRESIDENT:** The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby it sustained the veto of the Governor. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No".

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

Orders

On motion by Mr. Hichens of York,

WHEREAS, during the 19th Century most doctors and medical superintendents believed that the only acceptable form of treatment for the mentally ill was institutionalization; and

WHEREAS, even though alternatives to such hospitalization began in the early part of the 20th Century, the stage did not become set for the rapid development of out-patient clinics and services and medical emphasis on hospitalization until 1961; and

WHEREAS, while the process of deinstitutionalization saves money for the State and makes money for the nursing homes and half-way house industry, it does little for the released patients who have been systematically abused by the burgeoning health care industry; and

WHEREAS, mental patients need a place to go where they will receive proper after-care instead of being exploited under policies which in practice have caused almost any facility in which aged and infirmed people live and derive some personal service to be called a nursing home; and

WHEREAS, there should be a moratorium on administrative discharges of mental patients from state institutions until there has been planning, through a public process, for a network of community services; and

WHEREAS, it is the responsibility of the State to establish a standard of decency and care for any institution which incarcerates this voiceless constituency and to create a humane system out of the chaos that is mental health after-care today; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Health and Institutional Services, to study the practice of deinstitutionalization as applied to the mentally ill and retarded of this State to determine the adequacy of nursing and boarding home facilities and other such facilities being utilized for after-care of mentally troubled citizens, such study to determine the need, if any, for instituting a moratorium on release of such patients from state institutions until community services and standards for after-care have become adequate to meet

the needs of such patients; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (S. P. 552)

Which was Read.

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

Committee Reports House

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

Bill, "An Act to Lower the Age of Juveniles Subject to the Juvenile Act." (H. P. 325) (L. D. 397)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act Relating to the Indemnification Provisions of the Maine Business Corporation Act." (H. P. 492) (L. D. 611)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass - As Amended

The Committee on Marine Resources on, Bill, "An Act Concerning Prima Facie Evidence that a Lobster is Female." (H. P. 1074) (L. D. 1354)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-617).

The Committee on Public Utilities on, Bill, "An Act to Incorporate the Woodlands Utilities District." (H. P. 1509) (L. D. 1840)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-620).

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

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

Ought to Pass in New Draft

The Committee on Local and County Government on, Bill, "An Act to Phase out the Present Form of County Government, Transfer its Functions to other Government Units and to Direct the State's Advisory Commission on Intergovernmental Relations to make Recommendations to the Special Session of the 107th Legislature." (H. P. 1444) (L. D. 1819)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Reform or Abolish the Present Form of County Government and to Direct a Joint Select Committee on County Government to Study and Make Recommendations on the Proper Role and Authority of County Government" (H. P. 1644) (L. D. 1912).

Comes from the House, Bill and accompanying papers Recommended to the

Committee on Local and County Government.

Which Report was Read.

Thereupon, on motion by Mr. Jackson of Cumberland, Recommended to the Committee on Local and County Government in concurrence.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to the Definition of Motor Vehicle Dealers." (H. P. 439) (L. D. 546)

Reported that the same Ought to Pass.

Signed:

Senators:

THOMAS of Kennebec
REEVES of Kennebec
JOHNSTON of Aroostook

Representatives:

CLARK of Freeport
BOUDREAU of Portland
TIERNEY of Durham
DEVANE of Ellsworth
PEAKES of Dexter
RIDEOUT of Mapleton
PIERCE of Waterville
BYERS of Newcastle

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

Signed:

Representatives:

BOWIE of Gardiner
HIGGINS of Scarborough

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Relating to Forester Registration and Licensing." (H. P. 1329) (L. D. 1412)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-621).

Signed:

Senators:

CURTIS of Penobscot
WYMAN of Washington

Representatives:

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

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

Signed:

Senator:

GRAHAM of Cumberland

Representative:

COONEY of Sabattus

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-621).

Which reports were Read.

On motion by Mr. Curtis of Penobscot, tabled until later in today's session, pending Acceptance of either Committee Report.

Divided Report

The Majority of the Committee on Public

Utilities on, Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay. (H. P. 1154) (L. D. 1448)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot
GREELEY of Waldo
CYR of Aroostook

Representatives:

SAUNDERS of Bethel
GRAY of Rockland
LITTLEFIELD of Hermon
TARR of Bridgton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-631).

Signed:

Representatives:

LUNT of Presque Isle
SPENCER of Standish
NADEAU of Sanford
KELLEHER of Bangor

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

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Allow Nonprofit Corporations to Operate Ferries on Casco Bay." (H. P. 1150) (L. D. 1444)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot
GREELEY of Waldo
CYR of Aroostook

Representatives:

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

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-586).

Signed:

Representatives:

LUNT of Presque Isle
SAUNDERS of Bethel
KELLEHER of Bangor

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

Which reports were read.

On motion by Mr. Conley of Cumberland, tabled pending Acceptance of either Committee Report.

Senate

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

Bill, "An Act to Require Legislative Approval of State Property Assessment Districts, Assessment Standards and their Implementation Schedules." (S. P. 438) (L. D. 1454)

Bill, "An Act Relating to Assessment of Taxes in Municipalities of Less than 3,500 Population." (S. P. 462) (L. D. 1515)

Leave to Withdraw

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act Relating to Credit Unions." (S. P. 114) (L. D. 379)

Reported that the same be granted Leave to Withdraw.

Which report was Read.

On motion by Mr. Conley of Cumberland, tabled pending Acceptance of the Committee Report.

Ought to Pass - As Amended

Mr. Merrill for the Committee on Judiciary on, Bill, "An Act Creating the Maine Criminal Code." (S. P. 113) (L. D. 314)

Reported that the same Ought to Pass as Amended by Committee Amendments "A" (S-264) and "B" (S-265).

Which report was Read.

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

Mr. COLLINS: Mr. President and Members of the Senate: This is the major bill from the Committee on Judiciary concerning the Maine Criminal Code. I wanted to explain to the Senate why there are two committee amendments, which is a bit unusual. We have the unanimous concurrence of the Committee on both amendments, but there were two amendments because you will recall that earlier in the session we sent to the Law Court a request for a ruling on the constitutionality of certain provisions of the Code, and in order to do this in a proper manner, it was necessary to make a formal adoption of Committee Amendment "A", which picked up the two or three sections of the code about which there was some question.

Committee Amendment "B" is the part that you will wish to examine in learning what the committee has done to the original bill, the changes that have been made, and the statement of fact at the end of Committee Amendment "B" provides a summary in rather brief lay language as to what we have attempted to do.

I would like to say for the Senate members of the committee that we would welcome your inquiries. Senator Merrill, Senator Clifford, and I are willing to remain in the chamber after recess to answer questions or to meet with any of the members of the Senate individually to explore any specific concerns that you may have.

If it should be the case that any Senator has an amendment that he feels he should offer, we would hope that you would take advantage of the technical drafting expertise which is available through the Judiciary Committee. We will be glad to give you information about how to take advantage of that assistance in a technical manner. That does not mean that the committee would be departing from its policy position but, as we all realize, this is a very technical subject, and if there should be any amending, it is most important that the draftsmanship be of the very best quality. Thank you.

The PRESIDENT: Is it now 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 Amendments "A" and "B" were Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act 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)

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

Bill, "An Act to Require Ferries Operating in Casco Bay to be Equipped with Radar Devices." (H. P. 1151) (L. D. 1445)

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

(See action later in today's session.)

House — As Amended

Bill, "An Act to Expand the Authority of Pharmacists to Dispense Drugs by their Generic Names." (H. P. 176) (L. D. 200)

Bill, "An Act Relating to School Dropouts and to Potential School Dropouts." (H. P. 1442) (L. D. 1702)

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)

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

Bill, "An Act to Increase Certain Hunting and Fishing License Fees." (H. P. 464) (L. D. 566)

Which was Read a Second Time.

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

Bill, "An Act to Repeal Milk Control Prices at the Retail Level." (H. P. 208) (L. D. 267)

Which was Read a Second Time.

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

The same Senator then moved that Committee Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President, I am not going to deliver a long speech on the issue of retail price controls in Maine. I think every Senator here has probably gone around the arguments on this issue many times. I merely wish to say that it is my purpose in moving the indefinite postponement of Committee Amendment "A" to restore the bill to its previous posture whereby it would effectively repeal the retail price controls presently in force in the State of Maine. I think the purposes are obvious. I would just like to say a couple of things, underline a couple of points that I made to the Senator from York, Senator Hichens, and his committee, the Agriculture Committee, when I testified before that committee in this regard.

This is an issue that concerned me during the campaign and it is an issue that has concerned me since. Several times I have undertaken to compare the prices that my constituents in Portland are paying for milk and compare those to the prices that are being paid in the City of

Portsmouth, some 50 or 60 miles away from my city. Every time I have made that comparison I have found that we are paying 30 or 40 or 50 cents more per gallon of milk than the people of the City of Portsmouth. I think that a great deal of the reason for this is the retail price control structure in Maine.

My personal feeling in this regard is that the marketplace is the best system to determine the price that should be paid for milk at the retail level. In saying that, I recognize full well that there may be very good arguments for control of the price of milk at the farm level; recognizing at the same time that the majority of dairy farmers in Maine presently sell their milk outside of the Maine price support structure. And I think it is important that we keep in mind in discussing this and the effect on the agriculture industry here in Maine, and the dairy industry in particular, that we are talking about a minority of farmers that enjoy the protection that this threefold structure that we have in regards to the price of milk gives.

There is one other point that I think demonstrates my concern and underlines my belief that the net result of retail price controls is to artificially hold up the price of this very important commodity, milk, and that argument is as follows: I undertook and presented before the committee when I testified a comparison of how the three controlled prices of milk have moved together since we have had this price control system in force. The result of what I found is that no matter what the Maine Milk Commission said that they were doing in regards to the three prices that they control — and those prices, as I am sure everyone here realizes, are the prices the farmer gets paid, the price that the dairy gets paid by the store, and the price that the store gets paid by the consumer — that those three prices have moved on the graph almost in direct relationship to each other. The percentages remained the same throughout the years.

Anybody who is engaged in any other kind of marketing I think realizes that the forces upon these three different sectors of the economy vary from time to time, and in any free marketplace that would be represented. The prices to the producer don't move up and down in the same degrees and the same percentages as the cost to the storekeeper or the costs of the dairy. What we see when we look at these controlled figures, I think, is clear market proof that what has been happening with the control of retail prices is not an accurate representation in all cases of the minimum costs that it takes for the dairy to bottle the milk, but instead locked in, guaranteed percentage of gross, and I think that the result of that has been very harmful to Maine consumers. I can't speak for the constituents of the other Senators here, but I know that it is something that troubles the people of Portland greatly, and for that reason, I would ask when the vote be taken it be taken by the "Yeas" and "Nays".

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

Mr. CONLEY: Mr. President and Members of the Senate: I concur wholeheartedly with the remarks made by the good Senator from Cumberland, Senator Merrill. I think there is good reason as to why the legislature should kill

the committee amendment and return to the original bill which removes price controls at the retail level. Some of the price controls are needed because of the special nature of milk as a perishable commodity. However, these controls should be at the wholesale level to protect the farmer.

Secondly, retail price fixing has been set and will continue to be set if the experiences over the past years mean anything in a way to keep even the most inefficient processors in a good profit position.

Thirdly, there are inefficient processors, firms which are top heavy in executive staff and firms which continue to deliver door to door despite the very high cost. The consumer, no matter what brand of milk he buys, pays for the inefficiency of these firms.

Because of existing transportation and marketing situations, the original bill would have very little if any effect north of Augusta. Farmers in southern Maine have to adjust to selling under the Boston market order, which half of them do now anyway, and the Boston price is presently about \$1 or about 10 percent per hundredweight lower than the Maine price. But last summer the Boston and Maine prices were actually about equal.

If retail price fixing is abolished, there is every likelihood that Maine will come under a New Englandwide marketing order anyway. If we pass another watered down powdered milk bill such as the committee amendment, then consumers are going to be back again and again with proposals such as the one which almost went to referendum this year, which would have done truly serious harm to the dairy industry.

In the words of one high official of Maine's Department of Agriculture, who was for years head of the Maine Milk Producers, this is the time to discontinue the retail pricing of milk.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I would request permission of the Senate to pair my vote with the Senator from Washington, Senator Wyman, who, if he were here, would vote no on the motion to indefinitely postpone Committee Amendment "A", and I would vote yes.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, now requests leave from the Senate to pair his vote with the Senator from Washington, Senator Wyman. The Senator from Androscoggin would be voting yes to the motion, and the Senator from Washington would be voting no on indefinite postponement. Is it the pleasure of the Senate to grant this leave?

It is a vote.
The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: First of all, I would like to tell you that I am in favor of the indefinite postponement of the committee amendment which is now before you, and my reason is that there are weaknesses in this amendment. The other body defeated it, and I think that it should be defeated here. If it is defeated, I will then present a Senate amendment that I think possibly might improve the situation.

However, I think to properly understand what we have before us, I should explain to

you what this is all about. First of all, it is very important to a 75 million dollar industry as to how we should proceed here this morning. To begin with, if we do eliminate the price control of the commission, we are inviting a price war, and I will explain to you why.

First of all, to properly understand the complexity of this problem, we have to define terms. We have to understand what we mean by class 1 milk and class 2 milk. It is not classified according to the sanitation or to the quality of the milk. The same milk may come from the same test and one will be class 1 and the other one be class 2. The whole thing is on the usage. Class 1 milk goes into the bottle and has to be paid on the basis of class 1 milk. Class 2 milk is the milk that goes for manufacturing products, such as butter, ice cream, cheese, or any other manufactured products which you may have.

Now, the class 2 structure was introduced in 1935 when the Maine commission came into existence and when a lot of commissions throughout the United States came into existence because of the chaotic condition of the market at that time. What the industry came out with at that time was to classify milk as to class 1 and class 2, and the class 2 was intended to take care of the surplus.

Now, in the milk industry, to have enough milk and have enough quality milk, you have to have a surplus. Also, the industry has no control over the time that a cow will freshen, for instance, and if you have several cows that may freshen at the same time, that means that you are going to have a surplus of milk. Also, at this time of the year when the cows are on pasture, you have a flush of milk, so you have a surplus of milk. Within the industry itself you have a surplus of milk.

Now, if we are to eliminate the price control, this is what would happen. Today the commission quarterly will inspect the books of the industry, of the dealers, to make sure that the producers are paid on the basis of usage. And what I mean by the basis of usage — I have to repeat myself — is that class 1 milk is what is sold as fluid milk, what goes into the bottle, and class 2 is what is manufactured. So the commission has that jurisdiction over the dealers of the State of Maine to see that the producers are paid on the basis of usage.

Now, there is quite a bit of difference between class 1 milk prices and class 2 milk prices. In April, for instance, the Maine class 1 milk paid the farmer \$10.71 a hundredweight, and the class 2 milk was \$6.98. So there is a difference of \$3.75 a hundredweight between class 1 and class 2 milk.

The farmer, the producer, cannot produce milk and stay in business on the basis of class 2 milk. He cannot stay in business. The only reason that he accepts this structure, and the two, of course, depending on the amount that goes into class 1 and class 2 milk, is what is called the "blend price", and the only reason that he can sell the class 2 milk at \$3.75 a hundredweight less is because of the volume which is created, and also he has a chance to dispose of that surplus.

I would like to bring your attention to the fact that we are talking about a perishable product. It is not like in the automobile industry. If you have a surplus, you can either stockpile them in the yard in Detroit or else in the dealer's yard in Maine, but you can't do that for milk. Within a day or

two you have got to dispose of it or else you have got to pour it on the ground. And this is why it is so important for the industry to have this structure of class 1 and class 2 milk.

Now, if we are to eliminate the retail price control of milk, we have one outfit which is located in Portsmouth, New Hampshire, Cumberland Farms — let's state the name — all the trouble in the Maine industry in regards to the commission has come since Cumberland Farms has moved into the State of Maine. Now, they are moved in. They have put in their plant. They built their plant in Portsmouth, New Hampshire for one reason and one reason only, so that they would not have to pay on the basis of usage. So they buy their milk on the blend basis, and mostly on the Boston blend. Now, the Boston blend for April was \$8.35. If you are a dealer in the State of Maine and you have got to pay on the basis of usage, it means that what goes in the bottle has to pay on the basis of class 1, which is \$10.71.

The average blend for the dealers in the State of Maine last month was 73 percent class 1 and 27 percent class 2. So you can see that the dealers in the State of Maine have had to pay more for their milk than Cumberland Farms, for instance, or the Boston blend, the Boston market, which in April was based on 56-44, 56 percent class 1 and 44 percent class 2.

Now, what would happen if we were to eliminate retail controls? Cumberland Farms is sitting right on top of the situation. They would buy, as they are buying now, on the blend basis from the farmers in the southern part of the State of Maine and also from the uncontrolled farmers in New Hampshire. They would bottle it up and sell it in the State of Maine and sell it in western Massachusetts. They cannot even sell it in Portsmouth, New Hampshire, because Portsmouth, New Hampshire is under a federal marketing order. And under a federal marketing order, you have to pay on the basis of usage the same as the dealers have to do under the State of Maine.

So you can see what would happen. You would have an outfit such as Cumberland Farms, and possibly two or three more, one or two more, that would control the market, would reduce the price for the time being, cut the price — if you haven't got any more retail price, they can set whatever price they want. The consumer may benefit for a while, but at the same time you would create a price war which eventually would hurt the producer and also would hurt the consumer, because you are going to be under the control, the monopolistic control, of two or three large dealerships in the State of Maine, then they are going to ask what they want for it.

Also, today we are a surplus state. That means we are producing more than what the fluid market in the State of Maine needs, which means that we have to sell about 50 percent of our milk as surplus, that we have to sell on the Boston market. Now, why the Boston market? Because that is where most of your manufacturers for cheese, ice cream, and some of these products are. So, this 50 percent goes to the Boston market, and it is paid of course on the basis, as I just quoted, of 56-44. Well, now what would happen if you eliminate the retail control is that some of our own organizations here, our own dealers that are buying from our local producers, these big outfits that can handle a big truckload at a time, would just buy from outside.

They would buy cheaper milk on the blend basis, bring it into the State of Maine, and in turn would be in competition with our own milk in the State of Maine, where we already have a surplus of 50 percent.

Now, you might say how about Massachusetts, how about Connecticut and Rhode Island, how about New Hampshire, and some of these states. Those are states that are called deficit states. They do not produce enough milk for their own fluid market, and as such, the producers in those areas are paid on the higher percentage because of the blend. They are paid on the class 1-class 2, and the class 1, of course, is possibly 90 percent or 95 percent, or very close to 100 percent.

Now, all dealers at some time or other will have a surplus and will have to ship either on the Boston market themselves or, if they have a little manufacturer, they may manufacture a product. It depends on the season, it depends on a lot of things that may happen. During the summer, for instance, our dealers here will have a bigger market, a wider market, than we have during the winter, because of the summer tourists and everything else. Well, at that time they have got to call in more milk. During the winter some of that same milk that you have may have to go as surplus back on the Boston market.

So I would like to bring to your attention, very carefully, that if we do eliminate the retail price control, we are going to cause chaotic conditions in the milk industry, we are going to cause a price war which will hurt the consumer, will hurt the dealer, and will hurt the producer eventually.

Now, last year, as you recall, at the special session we did arrive at a compromise. We eliminated the bracket system. And just briefly, the bracket system is that for every 23 cents, for instance, that the producer was getting per hundred pounds, the dealer was getting a percentage of it. Now, up until 1973 that worked out all right. This was established in 1970. But when the price of feed and the price of machinery and hay, and everything else, the cost of production on the farmer, went sky high, the same increase went to the dealer. However, the dealer didn't have the same increase in prices. So we eliminated this bracket system, which I think was at the base of all the dissension which has come into the industry.

We also created a price differential between the plastic containers and the paper containers. Now, as a result of that, of course, the commission adopted that. And about a month ago, if you recall seeing in the newspapers, the commission came out with 2 cents less, a differential of 2 cents, between the price of plastic and the price of paper. Right now the commission, as you have seen in the paper also in press releases, the commission is in the courts in regard to it. Cumberland Farms has attacked it in the courts. Now, why has Cumberland Farms attacked it in the courts? Because they handled only plastic. They handle only plastic, and according to retail control they have got to charge 2 cents more, so naturally they are not competitive with the nearby supermarkets. And this is why they are fighting this. It is purely from a selfish standpoint, that's all it is. They don't care about the milk industry or the dairy industry in the State of Maine. All they care about is their own position.

Now, as a result of what we did, this compromise we arrived at in the special session, I attended last fall on November

18th the first hearing they had in regard to that. And I can tell you right now that I came out of that meeting totally disillusioned. I was disillusioned by the commission and I was disillusioned by the activities of the lawyers during this hearing. This turned out, in my book, to be an exercise in semantics between lawyers. And when you say that the commission controls the price of milk, I will say that that is wrong. It is the lawyers that are controlling the price. I say this, of course, with apologies to my colleagues who are lawyers in this body. But I was totally disillusioned. Whenever the commission asked a question, a pertinent, probing question, and were almost on the verge of getting the answer, you would have a lawyer from that dealership getting up and saying "I object, Mr. Chairman". And of course this is being run by a bunch of farmers. The chairman would call a five-minute recess and consult with his lawyer as to whether he should sustain or overrule the objection. That is the way it went all day on that milk hearing. Two-thirds of the time was consumed on a discussion, argumentation, between the cost of being bottled in plastic and the cost of bottling in paper, which to me has nothing to do with the issue of setting the minimum price of milk.

So, as a result of that, I came back and I notified my friends here in the dealership and producers not to count on me as far as the milk debate was concerned this year. However, after thinking it over last week, being approached by the Farm Bureau, I decided to carry the ball. Now, I will go along with you that the commission has been accused of being arrogant, being arbitrary, and being dealer oriented, and I will agree with you on every one of these accusations. And as such, I think the time has come where we must make a change, and this is what I am proposing or will propose in my amendment, Senate Amendment "A", if it is acceptable.

The commission will consist of the Commissioner of Agriculture and six members from the public; no dealers, no producers, all public members, six of them. Now, if this doesn't produce a consumer commission, I don't know what else it will do.

The second thing it will do, the commission today will have public hearings, will hear testimony, will accept facts, all the information they can get, and then they have to sort through this information and come up with a minimum price. Now, this minimum price they have to defend, if it is challenged. This is exactly what is going on now. Cumberland Farms has challenged the 2 cent differential between plastic and paper. Under the version of this amendment, the dealers would have to file a financial report quarterly with the commission, a profit and loss statement which they would have to file quarterly.

Now, there are approximately 45 dealers in the State of Maine. They would take the lowest 25 percent cost and then arrive at a mean average of this 25 percent, which means that the dealers that cannot achieve this minimum price will have to bring in efficiency. This is going to produce efficiency among the dealers. If a dealer cannot cut the mustard, he will just have to get out. Now, by figuring the minimum price on this basis, then it becomes the burden of proof upon the industry to prove that the commission was arbitrary, that the commission was not fair and equitable. The burden of proof is then on the industry,

which means that you are going to have less lawyers at these hearings. At this November 18th hearing, for instance, there were four lawyers, one from New Jersey, representing Cumberland Farms. Well, that costs a lot of money, and you can imagine where it comes from. Now you won't have to have it. It will be based on the mean average of the lowest 25 percent.

Also, imported milk from out-of-state will come under the jurisdiction of the commission, and the dealer involved will have to pay on the basis of usage. Now, this is going to have a tendency to prevent any cheap imported milk from coming into the State of Maine not subject to the commission. It would have to be paid on the basis of usage.

I think possibly those are the highlights of what the amendment would do, but it is a complete reversal of the program that we have now in arriving at a minimum price. It is acceptable by the industry. In fact, this amendment is really the Farm Bureau amendment, with some of the changes that I made.

So now we come to the moment of truth. Riding on this vote is the fate of a 75 million dollar industry. If I have been able to convince you that by eliminating retail price control this would create a price war and jeopardize the industry, then the way I would like to see you vote is to vote for the indefinite postponement of Committee Amendment "A". And if this is done, I will then present Senate Amendment "A". Thank you very much.

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

Mr. MERRILL: Mr. President, I would like to make clear to the Senate that there are really two questions that we have to get sorted out by some procedural manner if we are to make the position of the Senate clear in regard to the issue of control of prices on milk in Maine.

The first issue is whether or not we want to do away with the retail price controls completely, to which the Senator from Cumberland, Senator Conley, and myself both spoke. The second issue is, if not, do we want to make changes in the manner in which that determination is made.

The Senator from Aroostook, Senator Cyr, has just spoken making clear his intention that there be a change but that we not do away with retail price controls.

The procedural problem that the Senate is now in is how to make clear the Senate's position in regards to both of those separate questions. First of all, do we want to do away with retail price controls completely. Secondly, if the decision on that is in the negative, do we want to make any changes in the bill as it is amended.

I moved indefinite postponement of this amendment in hopes that that motion would provide the vehicle for the Senate to decide whether or not they wanted to go back to the bill as it was written in the first instance, which is to do away with retail price controls in Maine. It is still my hope that the vote on my motion would be a vote only to that one point. If that motion is defeated on the basis of that issue, then the committee amendment is still in the posture of being reconsidered and the committee amendment could be amended by a Senate amendment that could be offered in that posture by the Senator from Aroostook to accomplish that which he wishes to accomplish.

What I am suggesting to the Senate, and to the Senator from Aroostook, Senator Cyr, is to vote for the motion to indefinitely

postpone, if it is the desire of the Senate to do away with retail price controls; to vote against it if it is not. If the vote on that posture comes up in the negative, then amendments can be made to Committee Amendment "A" through the vehicles of Senate amendments to carry out the wishes of those who believe as the Senator from Aroostook, Senator Cyr, believes, that we should make changes, changes different from the committee amendment, but that we should maintain retail price controls.

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

Mr. CONLEY: Mr. President and Members of the Senate: As I read it, if the committee amendment to the bill is indefinitely postponed, Senate Amendment "A" is addressing itself to the bill itself. And as the good Senator from Cumberland, Senator Merrill, has stated, there are some of us who want to go on record as definitely being against retail price fixing on this subject, so if the committee amendment is indefinitely postponed, then I am going to move for engrossment of the bill as it would stand after the committee amendment was defeated.

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

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

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, with apologies to the Senate, I requested a pairing of my vote. I was under the impression at the time that the Senator from Washington, Senator Wyman, would oppose the motion to indefinitely postpone. Apparently the Senator from Washington would vote yes on the motion to indefinitely postpone and I would vote yes on the motion to indefinitely postpone. My apologies to the Senate. I would respectfully request that the permission to pair be withdrawn.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, now requests that his permission to pair votes with the Senator from Washington, Senator Wyman, be dissolved. Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President, I would like to ask a question through the Chair. Does Committee Amendment "A" have to be killed before we can adopt Senate Amendment "A"?

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

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, the answer is yes, because my Senate Amendment is to the bill and not to the amendment.

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

Mr. MERRILL: Mr. President, with due apologies to the Senate, if the amendment had been as I understood that it would originally be, in the posture of an

amendment to the amendment, we could have a clear vote on the issue of indefinite postponement. That not being the case, I would ask permission of the Senate to withdraw my request for a roll call, allow the Senate to indefinitely postpone the committee amendment, and then we can move to put this in a procedural posture where we can vote on the clean question of whether or not to do away with retail price controls.

So my motion is to allow the Senate to withdraw my request for a roll call on indefinite postponement of Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now requests permission to withdraw his motion for a roll call and indefinite postponement of Committee Amendment "A".

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I respectfully point out that a roll call has been ordered, there has been a vote on the question of a roll call, and as far as taking positions in this body, every vote we cast is taking a position in this body, so I would suggest that we get on with the question of casting our votes on this particular issue and the question of indefinite postponement of Committee Amendment "A" which is now before the body.

The PRESIDENT: The Chair will order a division on the request of the Senator from Cumberland, Senator Merrill, that he be allowed to withdraw his motion to indefinitely postpone Committee Amendment "A". Will all those Senators in favor of granting this permission please rise in their places until counted.

A division was had, 12 having voted in the affirmative, and 19 having voted in the negative, the request was not granted.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Merrill, that Committee Amendment "A" be indefinitely postponed. A roll call has been ordered.

The Secretary will call the roll.

ROLL CALL

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

ABSENT: Senators Wyman.

A roll call was had, 32 Senators having voted in the affirmative, with one Senator being absent, the motion prevailed.

Mr. Conley of Cumberland then moved that the Bill be Passed to be Engrossed and subsequently requested a roll call.

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

Mr. CYR: Mr. President and Members of the Senate: I urge you to vote against this motion, because if you don't, you are just going to eliminate the retail prices and you are going to jeopardize a 75 million dollar industry.

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

Mr. CORSON: Mr. President, a parliamentary inquiry: Would a motion to amend take precedence over a motion to engross?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. Cyr of Aroostook then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-263, was Read.

Mr. Merrill of Cumberland then moved that Senate Amendment "A" be Indefinitely Postponed and subsequently requested a roll call.

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

Mr. CONLEY: Mr. President and Members of the Senate: In all the time that I have been in the Senate we have always tried to work in an area where we could at least let our feelings be known and be known on record.

I am not opposed to the good Senator from Aroostook offering his amendment at this time, however, he could have been courteous enough to have allowed us, those of us who are concerned, vitally concerned, about the retail price fixing at the local level, to have an opportunity to vote on this.

The good Senator from Aroostook has spoken to me about this particular amendment and obviously he is trying to gain our support for the particular amendment. I can assure the people of northern Maine and the dairy farmers of this state, because of the extreme adverse publicity that the Maine Milk Commission has received over the years, that it was within only a hair's breadth of a statutory initiative referendum being brought into this session of the legislature, and that there will be one — that there will be one.

I am opposed to the way the procedure is being maneuvered on this particular bill at this time, and if there was a way to make a motion to get the bill as it was originally introduced before the Committee on Agriculture, I would make that move, but I know that is impossible. So, therefore, I am going to support the good Senator from Cumberland, Senator Merrill, and vote against the adoption of this amendment.

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

Mr. SPEERS: Mr. President, I strongly object to the innuendo by the minority floor leader of this body that there are any parliamentary maneuvers or any questions being swept under the rug or not being voted on the issues before this body here this afternoon. Now, the good Senator from Cumberland, Senator Conley, knows full well that the bill in its present form is precisely the bill that was introduced to the Committee on Agriculture, with no amendments attached to it. It is the bill that he requests be voted on here this afternoon.

There is certainly nothing wrong with any Senator standing up and offering an amendment to any particular bill that comes before us. This bill, like any other bill, is in its second reading stage at this time, and the good Senator from Aroostook, Senator Cyr, is offering an amendment to it. If the amendment fails, the bill will be in a posture to be passed to be engrossed just as it was introduced in this session of the legislature. So I certainly hope and trust that the good Senator from Cumberland, Senator Conley, is not suggesting that there are any nefarious parliamentary maneuvers being undertaken here this afternoon. It is

the right of every Senator to offer any amendment that he so desires. The good Senator took full advantage of that right earlier in the session when we were discussing another bill, and I am sure the Senator knows which bill I am referring to.

The issues are clear, they are here before this body, and all we need do is vote on this amendment and then vote on the bill either as amended or without an amendment.

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

Mr. CONLEY: Mr. President, I beg to differ with the good Senator from Kennebec, Senator Speers. Apparently he was not part of the conversation with the good Senator from Aroostook. It was my understanding that the good Senator from Aroostook, Senator Cyr, was going to give those of us who wanted to do away with the retail price fixing by the Maine Milk Commission an opportunity to vote on that, and then his amendment would be offered. That is not the case. That was the case we pleaded before this Senate, and if the good Senator from Aroostook wanted to withhold his amendment until after that vote was taken, he had plenty of opportunity to offer Senate Amendment "A".

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

Mr. CYR: Mr. President and Members of the Senate: I am sorry the minority leader feels that way about it, but what transpired is exactly what was agreed upon, which was that one of the Portland Senators would move for reconsideration, the other one would move for indefinite postponement, they would debate the thing thoroughly, and then if Committee Amendment "A" was defeated, that I was to present my Senate Amendment "A". In fact, what he is accusing me of, I am totally ignorant, I am not smart enough to know the parliamentary rules so as to have followed this strategy that we have now. I am not smart enough for that. I thought they just wanted to have a chance to discuss the bill thoroughly and present their view, their side of the thing.

We don't know yet if my amendment is going to be accepted. If I haven't sold my goods, the amendment will not be acceptable, and then they have all the chance in the world to do what they want, to accept the other report. So vote the way you think.

But while I am on my feet, this issue of course is an emotional issue and it has been a very political issue, as you know. There have been a lot of legislators who have taken the milk train to Augusta, so I don't blame them for taking whatever stand they do, but I would like to refute some of the prices that have been quoted.

I, myself, after the special session last year when we arrived at a compromise, I was down in Massachusetts and I stopped in Portsmouth to inquire about the price of milk, and this is what I found: I priced it in a papa and mama store and then in a supermarket store. In the supermarket store gallons were \$1.47. At that time our gallons were \$1.61. Half gallons were 81 cents, the same as they were in Maine. The quarts were 44 cents, in Maine they were 41 cents. In the papa and mama store the gallons were \$1.50; ours \$1.61. Half gallons there were 85 cents; ours were 81. In the quarts, 50 cents; ours were 41.

About a month ago I was in North Conway, and I arrived at the same thing. There was only one difference. At the supermarket there was a sign over the

milk counter that said "Gallon \$1.40". There was no price at all on any of the containers, so I asked one of the clerks: there was another company's product next to it, and I asked him, "How much is a gallon of that milk?" He said \$1.50. The half gallons were 85 cents, and they were 88 cents in the variety store. In the quarts they were 44 cents. Ours at that time was 41 cents.

Now, this disputes the fact that we were 25, 30 or 40 cents a gallon more than in other areas. But what if we were? What if we were? We have got the highest transportation cost. Our producers have the highest transportation cost for feed into Maine and for moving their products outside of the State of Maine. They have got a transportation cost, and we have got a longer stabling season than they have in any other state or any other area that we have. That costs a lot of money. We have got a shorter pasture season. Also, we have more expensive housing, barns, because our barns have to be kept warm. So I see no reason whatsoever why, even if our price was a little higher than these other states, but they are not that high.

Of course, the problem before you right now is the acceptance of this amendment, which I think is a reasonable amendment, a reasonable program, that reasonable people can accept. We are eliminating the dealers and the producers from the commission, which is I think what we are all after.

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

Mr. CONLEY: Mr. President and Members of the Senate: It is obvious to me that this is going to be an amendment that is going to be railroaded through the Senate, but as far as the remarks made by the good Senator from Aroostook, Senator Cyr, when he speaks of the prices in the mama and papa stores down in the City of Portland, he doesn't speak to you regarding the fact that these are the minimum prices — minimum prices, the base, but that they can go as high as they wish to. And when you get into New Hampshire, you are just talking another ballgame altogether; that is, there is a wide range relative to the prices in New Hampshire.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think it is obvious to us all that parliamentary procedure can sometimes be as big an enemy as a friend in trying to put our wishes on record, and I guess it is obvious that the season is getting late. I think that this is an issue that deserved some airing, and I am sorry that it has taken so long and that I haven't been more able in more quickly putting the issue clearly before the Senate. I would just like to make a couple of brief points about this issue.

First of all, there was reference that a lot of legislators had ridden the milk train to the legislature. Well, I think I might have hopped a ride on it once or twice during the campaign. I don't think I am alone in that regard though, however, because I think that the Republican Party, the great grand old party of Maine, and the Democratic Party both did a little jumping aboard that train also during the last year, both platforms endorsing getting rid of least retail price controls; the more courageous Republican Party advocating doing away with the Maine Milk Commission

completely, a position that the more timorous Democratic Party backed away from.

There is one other thing I might say in this regard, in regards to the difference in prices. I would like to suggest that if any Senator truly has a question in his mind about the difference between the prices in Portsmouth and the prices in Portland, or wherever; that they can do what I did, and what I suggested that the Agriculture Committee do before making a final stand on this position: go out here, pick up the telephone, call information in Portsmouth, ask for the numbers of five grocery stores, call them up and ask them what they are charging for milk, and lay that next to our price. There is no question. Now, I am not saying that that same difference between Portsmouth and Portland would exist throughout the state of New Hampshire or our prices would be similar to Portland throughout the State of Maine, but there is a difference, and I don't think that there is a good justification for it.

I think that the issue is pretty clear before the Senate now, and I would like it to be clear for the record, for anybody who is having any trouble following the ins and outs of this debate, that the vote to indefinitely postpone, I think, will be a clear vote to do away with retail price controls here in the State of Maine.

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

Mr. SPEERS: Mr. President, I really don't understand the continued references to the inability of the Senate to go on record regarding how each and every individual one of us feels about this issue. The matter is before us clearly in the form of this amendment and we can vote yes or no, and we, each of us, will have an opportunity to vote yes or no.

Now, as far as the reference of the Senator from Cumberland, Senator Conley, that it is obvious that this measure is going to be railroaded through this body, I hope the good Senator was using his choice of words perhaps subconsciously with regard to his own employment but, at any rate, I am sure he doesn't mean it is going to be railroaded through this body in the form that everyone ordinarily implies when one uses those terms.

I don't know how this matter is going to come out. I haven't taken any particular vote. It might go one way or the other. But if the opinion of the good Senator from Cumberland, Senator Conley, prevails in this matter, I am sure that he would retract his opinion that this was going to be railroaded through the body. Perhaps what he really means is that if the Senate happens to go against his position that therefore it has to be railroaded. I don't know whether that is really what he intends to say or not, but I take umbrage at the suggestion that was made.

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

Mr. CONLEY: Mr. President and Members of the Senate: In regards to the words spoken by the Senator from Cumberland, Senator Merrill, I think obviously what he would like to see, which are the same feelings as mine, is whether or not those of us who go to the state conventions sort of support party platforms, and particularly when one really has so much to do with the economy and every household in this state.

Perhaps it was a misunderstanding between the Senator from Aroostook and myself. It certainly was my impression

anyway that we would have the opportunity to vote on the original bill, and if that failed, then the Senator from Aroostook would have offered the proposed amendment that is currently before the Senate. That is what I would like to do this morning. I would like to be able to vote on the bill itself, and then put the amendment before the Senate. We have been denied that opportunity, therefore; I will have to vote against the amendment of the good Senator from Aroostook.

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

Mr. CYR: Mr. President and Members of the Senate: If the good Senator from Cumberland would look at the committee amendment, he would find that after we have stripped Committee Amendment "A", which we did, all he has got left is just the title. He hasn't got a bill; he has just got the title. If he wants to proceed and have a chance to vote on whether or not he is going to vote to eliminate retail prices or not, he has got to vote on accepting the Minority Ought to Pass Report, which is the bill itself.

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

Mr. CLIFFORD: Mr. President, I would request permission to pair my vote with the good Senator from Washington, Senator Wyman, who, if he were present, would vote no on the motion to indefinitely postpone Senate Amendment "A", and I would vote yes.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, now requests permission from the Senate to pair his vote with the Senator from Washington, Senator Wyman, who, if he were here, would vote no on indefinite postponement, and the Senator from Androscoggin, Senator Clifford, would vote yes. Is it the pleasure of the Senate that this leave be granted?

It is a vote.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that Senate Amendment "A" be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement of Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Conley, Curtis, Danton, Graham, Huber, Marcotte, Merrill, Pray.

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

Mr. Pray of Penobscot was granted leave to change his vote from "Yes" to "No".

A roll call was had. Seven Senators having voted in the affirmative, and 23 Senators having voted in the negative, with two Senators pairing their votes, the motion did not prevail.

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

Sent down for concurrence.

Senate

Bill, "An Act Creating the Passamaquoddy Hydro-electric Tidal Power Authority." (S. P. 551) (L. D. 1916)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Provide Lifeline Electrical Service for Older Citizens." (S. P. 8) (L. D. 20)

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

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

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)

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

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

Sent down for concurrence.

There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence, except L. D. 1916.

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

After Recess

Called to order by the Secretary.

The SECRETARY: Is it the pleasure of the Senate that Senator Berry of Cumberland serve as President pro tem?

It is a vote.

Thereupon, Senator Berry of Cumberland assumed the duties of President pro tem of the Senate.

Enactors

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

An Act Relating to Educational Benefits for Dependents of Veterans and Prisoners of War and those Missing in Action. (S. P. 118) (L. D. 383)

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

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

An Act to Remove the Commissioner of the Department of Conservation from the Maine Land Use Regulation Commission. (S. P. 424) (L. D. 1390)

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

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

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

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

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

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

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

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

An Act to Authorize the Leasing of Space in the Cumberland County Building by the Supreme Judicial Court. (H. P. 1283) (L. D. 1579)

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

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

An Act to Reinstate the Insurance Premium Finance Company Act and to Amend the Notice of Consumer Right to Cure. (H. P. 1405) (L. D. 1783)

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

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

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

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

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

Emergency

An Act to Remove the Requirement that Municipalities Composing a Transit District be Contiguous and to Authorize Municipal Transit Districts to Provide Transportation Service Outside of District Boundaries and Concerning Advertising which may be Carried by Certain Transit District Buses. (H. P. 1244) (L. D. 1545)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act to Reactivate the Governor's Committee on Children and Youth. (S. P. 138) (L. D. 442)

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

Emergency

An Act to Institute a Fee System for Hospital, Nursing Home and Boarding Home Licenses to Fund Costs of Licensing. (H. P. 1129) (L. D. 1405)

On motion by Mr. Hichens of York, tabled and Tomorrow Assigned, pending Enactment.

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Eliminate the Requirement for Indictment by a Grand Jury After Finding of Probable Cause by a Competent Jurisdiction. (S. P. 247) (L. D. 820)

Comes from the House, Failed of Final Passage.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: This resolution, which I sponsored, would provide for the elimination of the requirement for indictment by a grand jury in all felony cases except murder cases upon the finding of probable cause by the district court. The intent was to eliminate a step in the judicial process which has become an unnecessary step and a meaningless step, since the indictments are usually, in almost all cases, gotten by the district attorneys when they want the indictments. I think it is a progressive step, however, the other body failed to enact it by a substantial margin, and in the interest of speeding up the legislative process, with a heavy heart I would move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT pro tem: The Senator from Androscoggin, Senator Clifford, now moves that L. D. 820 be indefinitely postponed. Is this the pleasure of the Senate?

Thereupon, the Resolution was Indefinitely Postponed.

Reconsidered Matter

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

Bill, "An Act to Require Ferries Operating in Casco Bay to be Equipped with Radar Devices." (H. P. 1151) (L. D. 1445)

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for June 9, 1975, pending Passage to be Engrossed.

Orders of the Day

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

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

Tabled — June 3, 1975 by Senator Berry of Androscoggin.

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

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

On motion by Mr. Berry of Androscoggin, and under suspension of the rules, the Senate voted to reconsider its former action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "B", Filing No. S-126, to Committee Amendment "A" was Read and Adopted.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I have received some communications about this bill, and

may I ask for an explanation of what that amendment does?

The PRESIDENT pro tem: The Senator from Penobscot, Senator Cummings, has posed a question through the Chair to anyone who may answer if he wishes.

The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: Basically, what the amendment does or what it accomplishes is that it places the responsibility of certification and decertification of school personnel under the state board, it specifies the actual involvement of the Commissioner of Education and Cultural Services, and creates an advisory board to the state board. I might add that the amendment was drawn up and came to an agreement by those parties that were concerned over the former amendment.

The PRESIDENT pro tem: Is it now the pleasure of the Senate to adopt Committee Amendment "A" as Amended by Senate Amendment "B"?

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

Sent down for concurrence.

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

Senate Reports — from the Committee on Natural Resources — Bill, "An Act Relating to Environmental Controls and the Sardine Industry." (S. P. 471) (L. D. 1605) Majority Report — Ought to Pass in New Draft and Under New Title: Bill, "An Act Relating to Environmental Controls." (S. P. 541) (L. D. 1908); Minority Report — Ought Not to Pass.

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

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

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

Mr. TROTZKY: Mr. President and Members of the Senate: I have requested another opinion from the Attorney General concerning amendment Filing No. S-251, and it has been placed on your desks. I won't read it, but just ask that it be made part of the record, and will state very quickly what we have here. We have a bill which weakens our water and air laws, it will probably eliminate our oil conveyance act, it will interfere with our shoreland zoning ordinances, and in fact the Attorney General feels that he couldn't even in the time remaining in this legislative session analyze what this amendment would do. So I hope that at this time now we can put an end to this.

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

Mr. KATZ: Mr. President, I know that this bill has been before us for about a week now, and overnight from time to time we were assured that we would get an amendment that would satisfy all the misgivings of all of us, but our misgivings have not been satisfied. I know that there are those here who have been urged to defer action on this further beyond today, and I would ask the Senate to take action today because I am very, very nervous the longer this bill hangs around.

My constituents are very, very nervous the longer this bill hangs around, and I am absolutely confident that in the closing moments of this session this Senate couldn't possibly make a mistake, but just think in case we did — and to be sure we don't make a mistake, I move that this bill be indefinitely postponed. I hope we can vote on that today and I request a division.

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

Mr. Speers of Kennebec then moved that the Bill be tabled and Specially Assigned for June 9, 1975, pending the motion by Mr. Katz of Kennebec that the Bill be Indefinitely Postponed.

On motion by Mr. Corson of Somerset, a division was had. Seven having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

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

Mr. CIANCHETTE: Mr. President, I rise to second the motion of the Senator from Kennebec, Senator Katz, that we indefinitely postpone this bill and all of its accompanying papers.

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

Mr. SPEERS: Mr. President and Members of the Senate: I wish to thank the Senate for their wisdom. I do feel this is probably one of the more important bills that we have that comes before this body. It is a very deep and radical question that we are being faced with here today, and it is very simply stated. It is whether or not the State of Maine is going to retain for itself the power and the authority to promulgate our own environmental standards or whether we wish to have that power and authority tied indissolubly with whatever is done in the capital of this nation.

I think very simply and very strongly that the State of Maine ought to retain unto itself its own authority to set its own environmental standards as we see fit. I could not urge more strongly the acceptance of the motion by the good Senator from Kennebec, Senator Katz, to indefinitely postpone this bill, and when the vote is taken, I do ask for a roll call.

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

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

The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the bill be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, Merrill, Pray, Reeves, Roberts, Speers, Thomas, Trozky.

NAYS: Senators Carbonneau, O'Leary.

ABSENT: Senators McNally, Wyman, Sewall.

Mr. Carbonneau of Androscoggin was granted leave to change his vote from "No" to "Yes".

Mr. O'Leary of Oxford was granted leave to change his vote from "No" to "Yes".

A roll call was had. 30 Senators having voted in the affirmative, with three Senators being absent, the Bill was Indefinitely Postponed.

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

Mr. SPEERS: Mr. President and Members of the Senate: Ordinarily, on the strength of a vote such as this, a motion to reconsider more than likely would not be necessary. However, I think all of us have a very healthy respect for the abilities and the respect that the elder statesman from Washington County has in this body, and I therefore move that the Senate reconsider its action whereby it indefinitely postponed this bill, and would respectfully urge the Senate to vote against the motion.

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

Mr. CYR: Mr. President, I would urge you to vote against that reconsideration motion. I never realized that a little sardine was that powerful until I read the Attorney General's opinion.

The PRESIDENT pro tem: All those Senators in favor of reconsideration will say "Yes"; those opposed "No".

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

The PRESIDENT pro tem laid before the Senate the third tabled and Specially Assigned matter:

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

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

Pending — Enactment.
(In the House — Passed to be Enacted.)

On motion by Mr. Hichens of York, retabled and Tomorrow Assigned, pending Enactment.

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

Bill, "An Act to Require Review of Proposed State Regulations by Local Units of Government." (H. P. 891) (L. D. 1082)

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

Pending — Motion of Senator Curtis of Penobscot to Indefinitely Postpone.

(In the House — Passed to be Enacted.)

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

House Report — from the Committee on Appropriations and Financial Affairs — Bill, "An Act Creating the Office of Dental Health." (H. P. 972) (L. D. 1234) Ought to Pass as amended by Committee Amendment "A" (H-588).

Tabled — June 3, 1975 by Senator Hichens of York.

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

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

Mr. COLLINS: Mr. President and Members of the Senate: I am going to

move the indefinite postponement of this bill and all its accompanying papers. The reason that I do this is not because I am an opponent of dental care but because I think that this bill is premature and that it will be self-defeating in its purpose. It does not have the respect or the cooperation of the Maine Dental Association or the rank and file of the Maine dentists, and it needs that sort of cooperation and respect if it is to accomplish the purpose for which it was intended. I will not at this moment go into length about all the reasons why, but it is apparent that we do have a dental health program now existing in the Department of Health and Welfare and that we will continue to have such a program, and, in my opinion, this particular slot and appropriation are not needed.

The PRESIDENT pro tem: The Senator from Knox, Senator Collins, moves that this bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President, I wonder if the Secretary might read the committee report on this L. D.?

The PRESIDENT pro tem: The Secretary will read the committee report.

The SECRETARY: The Committee on Appropriations and Financial Affairs, to which was referred the Bill, "An Act Creating the Office of Dental Health," H. P. 972, L. D. 1234, have had the same under consideration and ask leave to report the same Ought to Pass as Amended by Committee Amendment "A".

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

Mr. CARBONNEAU: Mr. President, I too rise in opposition to this bill for reasons of my own. Yesterday afternoon after the Senate adjourned, I stayed in my seat here and I was doing some correspondence work. I must have stayed here about an hour and a half, I guess, and I probably was lobbied by about five or eight people, somewhere in that area, mostly for this bill. So then I went home and found quite a bit of mail on my desk at home urging the passage of this bill.

At that time, I took the phone and called up the Health and Welfare people up here to talk to Mr. Smith to see what he thought of it. I had not had any input from his office. He wasn't there and I couldn't talk to him. Anyway, this morning before we came to order in the Senate Chamber, I talked with Mr. Smith in the hallway, and I asked him three point-blank questions. I asked him how he felt about this bill, and he said, "I have no feelings about any bill. I don't lobby any bill." Good answer. I said, "Now, can you live with this bill, if this bill goes through?" He said, "I can live with or without it." Well, I said, "Would you explain further?" He said, "We already have a program such as this, and whatever the intention of this bill is will be taken care of with or without this bill."

So I submit to you that I do second the motion of Senator Collins that this should be indefinitely postponed. If we do pass this bill, we are just creating another bureau, and bureaus around here have a way of growing and growing and growing. We are talking \$18,000 this year, and five years from now we will be talking about \$180,000, no doubt. So I do support that motion.

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

Mr. CONLEY: Mr. President and Members of the Senate: Listening to the good remarks of the Senator from Knox, Senator Collins, that he finds this bill a little bit premature is somewhat difficult for me to understand. My own personal problem with this bill is that it simply comes about forty years too late.

I think most of us are familiar with the fact by now that our state has the worst rate of dental disease in the nation, and the tragedy of this statistic is the knowledge that dental disease is preventable and unnecessary. And I would like to commend the Maine Commissioner of Health and Welfare for his recognition of the serious nature of this problem and the commitment which his department is making to dental health.

The bill before you, which has the Commissioner's support, will provide Maine with fulltime permanent capability to deal with our dental health problem. At present, Maine is one of the few states without an office of dental health. This legislation does not create a new bureaucracy; it creates one position. In view of the fact that 98 percent of our citizens suffer from dental disease in one form or another, I don't believe that this position is excessive.

Because of the commitment which the Department of Health and Welfare is making with discretionary federal funds, other legislation which would have provided for the special commitment of state funds has been withdrawn. The price tag on this bill has been cut from \$62,000 down to \$18,000, and the Appropriations Committee has made it clear that we cannot afford a program which provides corrective dental care for every needy adult in this state. But what this bill does is give us the capability of bringing providers and consumers together to work on special problems, including the development of dental services for school children, the elderly, the retarded, and others who need special care. It would be and will be a major step forward. Mr. President, when the vote is taken, I request that it be taken by the "Yeas" and "Nays".

The PRESIDENT pro tem: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President and Members of the Senate: This bill received a unanimous Ought to Pass Report out of the Appropriations Committee, as was read by the Secretary a few moments ago. There was no opposition of any significance at the hearing. As a matter of fact, we felt quite strongly that this office was needed. We cut the appropriation down so that it might be even more acceptable, in light of the budgetary situation of the state, and I think this bill should receive passage.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I would like to second the feelings of the Senator from Cumberland, Senator Conley, and the Senator from Aroostook, Senator Gahagan, I think this is an excellent bill and it has a very modest budget. There is no doubt about it that dental care is the number one health problem in Maine. We were assured that this bill would be very valuable, and although some individual dentists may be opposed to it, there are many other dentists who favor it.

Therefore, I think it is a very important and necessary bill.

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

Mr. COLLINS: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Conley, has told the Senate that this bill enjoys the support of the Commissioner of Health and Welfare. Before he spoke, we heard the words of the Senator from Androscoggin, Senator Carbonneau, telling of his interview with the Commissioner yesterday. My interview with the Commissioner was this morning, and the Commissioner made it very clear to me that he is following the policy of the Governor, that when a bill has an appropriation on it that he will not take a position for or against the bill.

Being experienced in the art of cross-examination, I then tried to elicit from him further information, and my next question was, "If this bill does not pass, what will you have for a dental health program for the State of Maine in the next biennium?" He outlined to me in some detail his plans for a program, and he emphasized that it is a preventative program. As far as a curative program is concerned, he said that we could pump millions and millions into a curative program but that we could not afford it. But he said that he has plans for a preventative program, and as a starter, he said, "there is \$50,000 left not spent in the current biennium of federal funds which it will be possible to transfer forward into the next biennium as the beginning money base for this preventative program."

I wonder if the Senate realizes what we do have today for a dental health program. I wonder if the Senate realizes what a bargain we have. I wonder if the Senate realizes what wonderful cooperation we have from the dental profession in the programs that exist in dental health in the state, paid for in part at least with public money, some of it federal money, some of it state money.

The State of Maine has had a dental program since 1922. The present dentist who oversees Maine's program started out in the Saint John River Valley in the 1940's with a mobile dental clinic. After serving there as an employee of the state for some years, he came to Augusta, and he has been an employee of the state ever since. In recent years he has been a parttime employee of the State and he has a private practice of his own at the same time. Back in the mid 1940's about 1943, in that biennium, the budget of the State of Maine for dental health was \$43,000. In 1974, in medicaid alone the amount spent was a \$1.5 million. This parttime director — and many of you will know him or know his name at least, Dr. Alonzo Garcelon — this parttime director has set up successful recruiting programs for new dentists. He has played a part in the compact with Tufts University Dental School, an extern program. He has run statewide fluoridation and preventative programs. He has made nationally reproduced, comprehensive factual surveys of Maine's dental picture. He has done all this with the cooperation of the dentists of the State of Maine, and I think this speaks of true ability. The State of Vermont has recognized the success of Maine's program and has copied it.

Let's take a look at the difference in approach that this bill provides as against what we have. This medicaid program is

helped in its policy determination by a committee or council of eight dentists, plus Dr. Garcelon. These eight dentists are distributed all over the state, and they come here at regular times to Augusta to consider the policies, to examine the allowable fee schedules for medicaid programs and dental health, and to give guidance to this program of spending taxpayer money to improve our dental health. And remember, that these eight dentists who come are individual practitioners with their own busy practices, and they give up a day and come down here, and they are paid \$50 for the time that they spend here. Most of them could make considerably more than \$50 if they stayed home with their own practice, but they are proud of what Maine dentists are doing in cooperating with the state in this function. When you think of what the administrative costs of government programs generally run in relation to expenditures, it is really phenomenal what the State of Maine is getting for a bargain here.

This bill, of course, would put in a fulltime director. But you know, it is like the case of the boy that could lift the cow purely because he had lifted it every day since it was a calf. Dr. Garcelon is carrying that kind of a load. And the result is that the administrative costs of this kind of a program are three to five percent. You know, the State of Maine made some inquiries about what it would cost to have the administration of this program done by a recognized agency, and they inquired of Blue Cross-Blue Shield, which is a well established agency efficiently run, and what do you suppose the quotation was? Thirty-five percent. Thirty-five percent, as distinguished from a three to five percent cost of administration of a program. The State of Maine said no, and Blue Cross came back later with some smaller figures for the first year, but it would still get up to thirty to thirty-five percent in later years after it got started, said they. So the state didn't buy. The state was wise enough to recognize that it had a good going program with a competent director and it stood by it.

We all know that national health insurance is a growing thing and that in years ahead it will be larger and more expensive and more heavily funded than it is today. And the time will undoubtedly come, maybe in two years, maybe in four years, when a fulltime director for this dental health function will be needed in the State of Maine. But I submit to you that if and when that time comes — and that is why I used the word "premature" in my first utterance — if and when that time comes, that person should be a dentist. Now, this appropriation at \$18,000 will not buy the services of a good dentist. And if we are going to have a fulltime director for the State of Maine's program for dental health, it needs to be someone well trained in dentistry, with standing in his profession, and with competence and respect from the dental profession.

So what we are getting into here, as I see it, is this question in government: shall we provide leadership or shall we provide coercion? Now, I am saying to you that the way to get better dental health in Maine is to work with the dentists. They are not so stubborn and ornery that they won't work with the state; they have proven that. Eight of them come here month after month to participate in the policy work that is connected with \$1.5 million in medicaid funds going into dental health.

Now, what does this bill provide in lieu of that sort of thing? It sets up a council, a new government council, to advise this \$18,000 director. And what does this council do? It gives advice, it reviews policy, it makes comments on legislation, and this sort of thing, much as these dentists do that come under the existing system. How is this council composed? Well, naturally it includes more consumers than dentists. The way the bill is drawn, it could include as many as three dentists. It has to include one hygienist and one dentist or other professional staff employed fulltime by a private non-profit dental clinic program, and two dentists from private practice.

One of the things that confuses me when I read the bill was that in the paragraph that relates to the membership in this council it says quite distinctly, "Any individual compensated by the executive branch of Maine State Government shall not be a member of the council." Now, virtually every dentist in private practice in the State of Maine and most of the clinic practice men too are compensated through the executive branch of the Maine State Government when they receive medicaid funds for their patients who are sent to them through this system. So within one paragraph I read the language that says, no, you can't have a single dentist in the State of Maine on the council, and then in the same paragraph I read that there are to be two or three dentists on the council, and I don't know which one to believe. The court would have to construe that, I guess.

I think that I have described to you, as I understand it, the status of Maine's dental health program. We should do more, we will be doing more, but I stand here as one who wants to get fair value for the money we spend. I don't insist upon a bargain, I think we are getting a bargain right now, but I want to get fair value. And over against what I would like to see the State of Maine have, I look at the record of other dental health programs in the City of Portland, where the great support for this bill lies, and I hold in my hands an audit report concerning the Department of Health and Welfare, the City of Portland, City Demonstration Agency, Report of Audit Shared Core Program, Model Cities Project, and so on, audit completed March 1973, signed by Vincent Doyon, Auditor, approved by Richard Bailey, Supervisor of Internal Audit.

This describes several government funded programs in Portland in the Model Cities Program, and it speaks about the dental component which reveals the receipt of \$116,683. The budget for this component showed \$12,000 for consumable supplies and \$3627 for equipment for the twelve month period. The executive director of this program, it says, expended \$11,930 for consumable supplies and \$3470 for equipment for a six month period. Also the subcontract budget justification had two position for clinical dentists. The executive director hired an additional dentist without approval from the agency. The explanation was that the extra dentist was a replacement for the two dental interns who were not hired. The auditor concludes with this report: "In reviewing the statistical and fiscal reports, the end result was that never has so much money been spent for so little in return for services performed. If this project had not been discontinued, it would have been necessary to recommend doing so."

So, to me, this bill is a question of do we want to have our money's worth or do we want to waste it? I think it would be a slap

in the face to Dr. Garcelon to adopt this bill.

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

Mr. MERRILL: Mr. President and Members of the Senate: This obviously is a bill that has attracted some attention of many Maine people, including some of our Maine professional people who work in the profession of dentistry here in Maine, and I think that it is not inaccurate to say that many dentists have misgivings about this program before us. That is unfortunate. I think that their misgivings are based primarily on misunderstanding, and maybe in some cases on a philosophical difference with myself. I would like to go through a few of the things that have been said about this bill and just respond to some of the very lengthy and very able arguments that have been made by the Senator from Knox, Senator Collins.

First of all, we are told that this bill is premature. It was premature because all Maine dentists wouldn't agree to it. Well, I would hope that if we ever undertook in any way to make any revisions in the legal system that we wouldn't say that it was premature until all lawyers agree, because we will be waiting until Hell freezes over if we wait for that event. And I suppose that probably the profession of dentistry is very similar, as are most businesses. I don't think the program is premature, and neither do the list of organizations that endorse this bill: the Regional Medical Program, the Maine Municipal Association, the Maine Committee on Aging, the Maine Human Services Council, Maine Public Research Group, Child Development Council of Maine, and a myriad of other organizations that think this is anything but premature, probably as the Senator from Cumberland, Senator Conley, has pointed out, in many cases tragically late.

I don't think that we should necessarily wait for a profession to agree, not the legal profession or any other profession, in unanimous voice before we enact something for the benefit of all the people of Maine. Now, there has been a lot said here about how the Commissioner feels about this program. One of the few areas in which I agree with our good Governor, Governor Longley, is that the Commissioner's influence in policy decisions of this kind should be absolutely none. Frankly, there is nothing I could care less about than what the Commissioner feels about what should be done in this regard. This is a policy decision that should be made right here in this hall. That is the way the Governor feels about his executive branch's influence in these matters, and I wholeheartedly concur in that feeling, without knowing which way we toss the coin and how the Commissioner really feels in his heart of hearts.

There are a couple of key things I think that have been said, when you strip everything away, that have to be addressed before we vote on this issue. The State of Maine, as I understand it, is spending well over a million, close to two million dollars a year, not all of it is its own money — I guess thirty percent of it is its own money — on dental care. Almost all of that money is being spent just taking care of teeth. We are not spending anything on prevention. One of the issues before this Senate is whether we want to hire one full-time man to worry about prevention when we are already spending close to two million dollars trying to take care of the

problem. I don't think there is a business in the state that would spend that sort of money trying to solve a problem that is getting worse and worse and not say, after a while, that maybe we ought to hire somebody in the business, one person on a full-time basis, to try to do something to solve the problem in the first instance before it arises. And that is what we are talking about. We are talking about state dollars for one fulltime person. We are talking about it in the context of the worst dental health record of just about any state in this nation. I don't think that this is bureaucratic boondoggle at its worst; I think that it is only economic good common sense.

There is another issue, and I think that it lies at the heart of this whole discussion and the whole difference of opinion between Senator Collins and myself in this matter. That is the issue of how much control a profession should have over the service delivery that it is responsible for. I believe that the nation and the state is well served by the professions and by the professional ethics. This belief I know is not shared by all my contemporaries. As a matter of fact, it very well might not be shared by a majority. However, I don't think that the delivery of good legal advice, the delivery of medical care, or the delivery of dental care should be left in the hands of the professionals to be decided alone. There is a role for the professional. It is an important role and it is a necessary role, but it is not the key role. The professions make a good deal of money for the services that they render, and they try hard within the context of professional service, I think, to earn that money. But we allow them to exist as professionals, we license them, we protect their exclusivity, for one reason and one reason alone, and that is to see that the services are provided to us as citizens. So I commend the authors of this bill for providing that there will be an advisory board that is made up of more consumers than dentists.

And I point out to the Senate so that the issues not become confused that the State Board of Dental Examiners, which is made up of dentists, will continue to serve and will serve as the technical advisory committee, so on the technical questions that will be considered, on the technical issues that will be raised, dentists will be, as they should be, the exclusive or the primarily exclusive source of input.

I really think there are two issues before the Senate, in my own characterization of this debate. One is: are we going to take a small but important step at directing efforts at prevention, which in the long run will save money as well as help with the health of our people. And the second issue, I believe quite frankly, is: are we going to say to the professions you are important, we respect you, we want your help, we want your cooperation, we will work with you, but ultimately it is the consumer of your services that we are most concerned about; ultimately it is the health care of the people in regards to those in the medical profession; ultimately it is our legal system in regards to law. As a professional, I think there is only one, only one, answer that this Maine Senate can make in good conscience, and I ask that this bill be enacted.

The PRESIDENT pro tem: A roll call has been requested. In order for the Chair to order a roll call, it must be the affirmative request of one-fifth of the members present. Will all those members in favor of a roll call please rise.

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I have listened with great interest to the debate here, and I don't have a particularly strong opinion one way or another, but I do get a little concerned when I hear some of the things said about what the state is or is not doing, and I wonder if they are correct.

The previous speaker indicated, if I remember correctly, that the state is spending not one penny on prevention, that all of the money being spent by the state on dental health was being spent on correction. I would like to read from the Maine State Government Administrative Report, in that section on page 266 which refers to the program of the dental health program.

"The dental health program is designed to impact on the following problem areas:

1. Maine has the highest rate of dental decay in the nation.

2. Maine has a poor geographic distribution of dentists and a relatively older population of dentists.

3. Maine lacks natural fluoridation of school water supplies.

"These efforts, in terms of long-range objectives, were rewarded in only a limited sense. As a direct result of the program during the fiscal year, approximately 9,200 of 21,000 students are not receiving fluoridated water, with the program underwriting 50 percent of the cost. The program also encouraged the establishment of dental clinics in Maine, although no new clinics were begun as a result, and in conjunction with New England dental schools recruited twenty qualified applicants from the Maine Student Pool. Eleven Maine students have been accepted, and twelve more are on waiting lists."

So, Mr. President, I just thought I would read that into the record so that people would understand that we do indeed apparently have a program which directs itself to correction and also to prevention.

The second thing I would like to point out to the Senate before a decision is made is that in the process of reorganizing state government a few years ago, the Maine Legislature considered a proposal from the then Governor that the Department of Mental Health and Corrections and the Department of Mental Health and Welfare be combined into one new department. The legislature rejected that proposal, but what has happened, at that time and over the years, is the greatest opportunity for the Commissioner of the Department of Health and Welfare to organize and reorganize his own department with a maximum amount of flexibility.

To read just one part of section 1 of title 22, which refers to the administration of the department, "The department shall be under the control and supervision of the Commissioner of Health and Welfare, hereinafter in this title called the Commissioner, who shall be appointed by the Governor", and so on and so forth. "The Commissioner may employ such bureau and division heads, deputies, assistants and employees, as may be necessary to carry out the work of the department. All personnel of the department shall be under the immediate supervision, direction and control of the Commissioner. Such personnel shall be employed subject to the Personnel Law, except the Director of the Bureau of Human Services and the Director of the Bureau of Maine's Elderly."

So we see that only a very few specific areas of concern are directed in the statutes at the present time. All I raise is the question for the Senate to decide as to whether or not we desire to go in the direction of in a very detailed fashion writing in an office of dental health. For myself, I think I will probably vote for this bill initially so that I can have an opportunity to do a little more investigation into it, but it is somewhat in the opposite direction than we have taken with that department in the past.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I would like to keep the record straight. The remarks I made a little while ago concerning the conversation I had with Mr. Smith are true remarks. I made them honestly and I did not lie; I don't have to lie. Remarks were made by someone else a little while ago that were questionable as to my remarks.

I want to go on record as favoring a good dental health program. I think we have one and I think it is going to get better. Now, when Mr. Smith told me this morning what he did tell me I believe him. I have no reason to doubt his word, and I don't see why anybody else should.

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

Mr. CONLEY: Mr. President and Members of the Senate: First of all, I would like to respond to a statement made by the good Senator from Penobscot, Senator Curtis, that currently the only money being spent by the state today is for corrective purposes only, and the only money spent in the state going toward preventive care is from federal resources.

Secondly, in response to a statement by the good Senator from Knox, Senator Collins, he made some sort of a statement relative to a report done, and I assume he was talking about a report that was done in the Portland Model Cities Program. The audit that was made was totally erroneous and was appealed. Another auditor came in from the state and did the audit and found nothing wrong whatsoever. On the other hand, the program that was conducted in Portland was a pilot project, and obviously when you start something new sometimes you do have a few problems, but I think that eventually that program began working and it began working very well.

I would like to have the Senate not just think, as the good Senator from Knox indicated, Senator Collins, that this program is one that is being sort of highly pushed in the Portland area. I thank God that the people in Portland are concerned and are willing to support such a program, and I wish that the good Senator from Portland, Senator Merrill, had really given an account of those agencies who are in support of this particular program that we are considering today. I am going to read them all because I think it is important that you do know them. They are as follows:

The Regional Medical Program
The Maine Municipal Association
United Way of Greater Portland —
Legislative Issues Committee
The Rumford Area Health and Welfare
Council
The Maine Committee on Aging
The Maine Human Service Council
The Aroostook County Action Program
The State Health Planning Council
The Central Senior Citizens Association

Headstart and Childhood Enrichment Program at Lewiston

The Maine Public Interest Research Group

The Center for Community Dental Health in Portland

The Southern Coastal Family Planning Program, Inc.

The Diocesan Homemaker Services

Dr. Paul J. Cyr of Van Buren

The Child Development Council of Maine

The Diocesan Human Relations Services, Inc. of Bangor

The Piscataquis Dental Program of Dover-Foxcroft

The Southern Aroostook Community Coordinated Childcare

The Peoples Regional Opportunity Program of Cumberland County

The Portland City Council Legislative Committee

The Diocesan Camping Center

Harold W. Crosby, D.M.D. of Eastport

The Maine Nursing Association

The Bureau of Health, Maine Department of Health and Welfare

The City of Bangor Public Health Department

Dr. Aaron Greenwald, Dentist, of Bangor

The Bangor Adult Dental Clinic

Homemakers Division of the Diocesan Human Relations Services

The Washington County Outreach Health Program

United Low Income

Community Counseling Center, Legislative Committee

The Maine Department of Education

The Director of the Westbrook College, Department of Dental Hygiene

Dr. David Levy, Dentist, of Chester Dental Clinic

The Senior Citizens Council of Bradford, Maine

The Kennebec Valley Regional Health Agency

The Washington County Health Planning Council

The York County Community Service Action Program

Downeast Health Services

Dr. Robert Davidson, Dentist, of Orono

The Waldo County Committee for Social Action

The Washington County Cooperative Extension Services

Dr. John Briggs, Dentist, of Lubeck Public Health Clinic

The Northeast Health Planning Council of Bangor

The Southern Kennebec Valley Community Action Program

The Kennebec-Somerset Home Aid Service.

And that is to name but a few. Mr. President and Members of the Senate, I don't know which way the thinking seems to be indicated here today, but I certainly hope the Senate would accept the unanimous Ought to Pass Report of the Appropriations Committee.

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from Knox, Senator Collins, that the Senate indefinitely postpone this bill and accompanying papers.

The Chair recognizes that Senator.

Mr. COLLINS: Mr. President, one final word. The good Senator from Cumberland, or our state's largest city, has read an impressive list of supporters. That list was developed in support of not one but three bills that favored dental health procedures. I think that all of those people intended to support the concept of doing a better job with dental health, and you

really should add at the bottom of that list the Senator from Knox, because I favor that purpose as well. But I am just a bit more of the Yankee that wants to get his money's worth. That is my point, I want money's worth in this program, and I am fearful that that is not what we will get if we pass this bill, because we will be bringing in a non-dentist administrative person, undoubtedly skilled in applying for federal funds, but I have the confidence in the people that are there now, Commissioner Smith and Dr. Garcelon, and I think we should give them the chance with the money they already have in their program to go ahead.

Now, I would like to quote one statistic to the Senator from Cumberland: "Maine is one of the states that has the referendum law on the fluoridation of public water supplies, and of all the states that have that type of a law, Maine has the most people, 400,000 people, using fluoridated water. But the big population area that doesn't have fluoridated water is the City of Portland, and that is where some work needs to be done."

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

Mr. CIANCHETTE: Mr. President, I have been listening with a great deal of interest to the debate and trying to understand what is really behind all of this and what is under it, and all, and obviously everybody in this room is for a better dental health program. I think we are all for a better dental health program because we are not satisfied with the programs that have been carried on in the past.

We are talking about creating a new bureau and we are talking about doing a better job. Who is going to do that better job? If there is a new commission formed, it might free a few dentists to stay home and work on dental care rather than coming to Augusta once a week and working with the program.

If we had done such a good job in the past with our program, we wouldn't be discussing this thing here today. I had a discussion with a dentist yesterday. I became interested after several people approached me on both sides of this question, and I talked with a dentist. He is very much opposed to this legislation, and I asked him why, what was wrong. It all boiled down to the fact that he didn't want outsiders, meaning people not within the profession, trying to work with them and trying to set up programs and interfering in dentists' business.

I asked him what harm would this bring to the dental program or to the people of the State of Maine or the dentists, and he said, "Well, I have to admit, probably no harm, but we dentists just don't think that we want to be pushed around by people outside of our profession." And he said, "I am afraid that if you pass this bill we will not be able to cooperate." I said, "Oh come, Doctor, you don't mean that. Maybe you mean that the first day, but certainly after the first week you will come to your senses and realize that we are all working for the same program and the same thing, and it is a very shortsighted view to say that the dentists will not cooperate with a program that is going to bring better dental health to the children and people of the State of Maine." It sounded very irresponsible to me.

The measure of success is results. I don't think we have been very successful in the past.

This dentist went on to say that because

this legislation had been offered the dentists have recognized how much they have failed in the past — how much they had failed in the past — but because of this legislation, they have been awakened and they are going to get off their duffs and do something about a dental health program. And I said, "Then how in the world can you state here on the telephone that you are opposed to this legislation?" He said, "We just don't want outsiders meddling in our affairs." I think it is a very selfish motive.

We understand there is going to be more effort put into this program. Where that effort comes from, I don't see as it makes a dollar's worth of difference, if they really are talking about running a program. We are just talking about who is going to run the program. We are not talking about running duplicate programs and duplication of efforts; we are talking about one program. And the legislature, by passing this bill, is having some input into what kind of a program we are going to run. It is not a duplication of effort. If Commissioner Smith has some spare people over there, I am sure he can find something else to put them to work at. I don't think we are duplicating efforts. We are talking one program and I think this legislature can have some input into that program. Obviously it has had some good already, and just think how much more can be done if the program is put to work. So I strongly urge that you defeat the motion to indefinitely postpone the bill.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: You know, I have got a feeling about this bill that I don't like. I cannot see why we should go out and spent money when we don't have to, and this is what we are doing by putting this bill through. Commissioner Smith himself told me this morning that whether this bill goes through or not the program is going to go through. So why go out and put more people on the payroll? I just can't understand it.

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

Mr. CORSON: Mr. President, when the vote is taken, I request permission to pair my vote with that of the Senator from Washington, Senator Wyman, who, if he were here, would be voting against the motion to indefinitely postpone, and I would be voting for the motion.

The PRESIDENT pro tem: The Senator from Somerset, Senator Corson, requests permission to pair his vote with the Senator from Washington, Senator Wyman, who, if he were here, would vote no, and the Senator from Somerset would vote yes. Is there objection to this?

Permission is granted.

The question before the Senate is the motion by the Senator from Knox, Senator Collins, that L. D. 1234 and all accompanying papers be indefinitely postponed. A roll call has been ordered. If you are in favor of indefinite postponement you will vote "Yes"; if you are opposed you will vote "No".

ROLL CALL

YEAS: Senators Berry, R.; Carbonneau; Collins, Cyr, Greeley, Hichens, Jackson, Johnston, Roberts.

NAYS: Senators Berry, E.; Cianchette, Clifford, Conley, Cummings, Curtis, Danton, Gahagan, Graffam, Graham, Huber, Katz, Marcotte, McNally, Merrill.

O'Leary, Pray, Reeves, Speers, Thomas, Trotzky.

ABSENT: Senator Sewall.

A roll call was had. Nine Senators having voted in the affirmative, and 21 Senators having voted in the negative, with two Senators pairing their votes and one being absent, the motion did not prevail.

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.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Huber of Cumberland:

ORDERED, the House concurring, that the following be recalled from the Governor's Office to the Senate: Bill, "An Act to Equalize the Offset of Workmen's Compensation Benefits Against Certain Retirement and Social Security Benefits." (H. P. 1450) (L. D. 1721) (S. P. 556)

Which was Read and Passed.

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

The President pro tem laid before the Senate the sixth tabled and Specially Assigned 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)

Tabled — June 4, 1975 by Senator Speers of Kennebec.

Pending — Consideration.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-518) as amended by House Amendment "A" Thereto (H-600).)

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

(Comes from the House, that Body having Insisted.)

On motion by Mr. Collins of Knox, retabled and Specially Assigned for June 9, 1975 pending Consideration.

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

Senate Reports — from the Committee on Judiciary — Bill, "An Act Defining the Warranty of Habitability and Providing Remedies Therefor." (S. P. 272) (L. D. 878) Majority Report — Ought to Pass as amended by Committee Amendment "A" (S-260); Minority Report — Ought Not to Pass.

Tabled — June 4, 1975 by Senator Collins of Knox.

Pending — Motion of Senator Conley of Cumberland to Accept the Majority Report.

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

Mr. COLLINS: Mr. President and Members of the Senate: This bill was one of four concerning landlord and tenant that came before our committee. After some debate in committee, we felt that there were enough important issues in those four bills to warrant their being placed on our off-season study list, because they were a bit too complicated to deal with, as we saw it, in the time available in this session. However, there were some amendments made to this particular bill and it comes

very close to being something I can support, but I wanted to explain the two reasons that I do not support it.

The first is that it is really part of a larger picture that needs examination, and I feel a better job could be done by putting it into that larger context.

The second reason is that the bill provides, in giving the tenant an additional remedy that the tenant does not now have, that there is a presumption that the fair market value of the rental unit is the price that has been paid. And we get into this difficult situation of the person badly in need of rent who agrees with the landlord to take the rent as it is, with some defects, and pay a lower price, and then when the time comes that the tenant doesn't pay the rent and the landlord moves to evict the tenant, the tenant can come in and have some procedural advantages in spite of the fact that the tenant enjoyed the advantage of the lesser rent because of substandard conditions in the rent. It is a difficult problem to draft and solve but it was my feeling that we could do a better job, so I did not support the report.

The PRESIDENT pro tem: The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee. Is this the pleasure of the Senate?

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

Reconsidered Matter

On motion by Mrs. Cummings of Penobscot, the Senate voted to reconsider its action whereby An Act to Prohibit the Arbitrary Imposition of Certain Fuel Charges by Electric Power Utilities, (S. P. 469) (L. D. 1603) was Passed to be Enacted.

The PRESIDENT pro tem: The Senator has the floor.

Mrs. CUMMINGS: Mr. President, unfortunately, this was one of the hearings that I was unable to attend. I understand now that there is one word in there that should be removed, and I would appreciate it if someone would table this for one legislative day and we will have the amendment tomorrow.

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

Thereupon, on motion by Mr. Berry of Androscoggin, tabled and Tomorrow Assigned, pending Passage to be Enacted.

The President pro tem laid before the Senate the eighth 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 4, 1975 by Senator Speers of Kennebec.

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

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Speers of Kennebec:

ORDERED, the House concurring, that "An Act Establishing an Occupancy Tax for Persons Staying at a Hotel or Rooming House," H. P. 1332, L. D. 1644 be recalled from the legislative files to the Senate. (S. P. 558)

Which was Read.

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

Mr. MERRILL: Mr. President, I don't want to prolong this session, but I wonder if I could just ask for a brief explanation of the purpose of this recall.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Passage.

The President pro tem laid before the Senate the ninth 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 4, 1975 by Senator Hichens of York.

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.)

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

Mr. CORSON: Mr. President, I am not quite sure how I got involved in this, but what we are trying to do at this point is bring the bill back, remove the amendments, and take a look at the bill as it was introduced. It is my understanding that the members of the committee who were in disagreement on this bill have reached an accord and wish to revive the bill as originally introduced. For that reason, I move the pending question, Mr. President.

The PRESIDENT pro tem: Is it now the pleasure of the Senate to reconsider its action whereby it adopted the Ought Not to Pass Report of the Committee?

The motion prevailed.

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

The PRESIDENT pro tem: The Chair

recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, there are two Ought to Pass Reports. May I assume that we accept the Ought to Pass as Amended by Committee Amendment "B" Report?

The PRESIDENT pro tem: The Chair will answer in the affirmative. The Secretary will Read Committee Amendment "B".

Committee Amendment "B" was Read. Thereupon, on motion by Mr. Corson of Somerset, Committee Amendment "B" was Indefinitely Postponed and the Bill Tomorrow Assigned for Second Reading.

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

Bill, "An Act Providing for Temporary Interim Relief Relating to the Availability of Hospital and Medical Malpractice Insurance." (H. P. 1160) (L. D. 1459)

Tabled — June 4, 1975 by Senator Reeves of Kennebec.

Pending — Enactment.

(In the House — Passed to be Enacted.)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, with one Senator voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President pro tem laid before the Senate the following Specially Assigned matter:

House Reports — from the Committee on State Government — Bill, "An Act Relating to Forester Registration and Licensing." (H. P. 1329) (L. D. 1412) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-621); Minority Report — Ought not to pass.

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

Pending — Acceptance of Either Report.

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

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

The President pro tem laid before the Senate the following Specially Assigned matter:

Bill, "An Act to Increase Certain Hunting and Fishing License Fees." (H. P. 464) (L. D. 566)

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

Pending — Passage to be Engrossed.

(In the House — Recommended to the Committee on Fisheries and Wildlife.)

(In the Senate — Committee Amendment "A" (H-369) Adopted.)

Mr. Pray of Penobscot then moved that the Bill be tabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Joint Order, S. P. 558.

Pending — Passage.

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Passage.

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

Bill, "An Act to Increase Certain Hunting and Fishing License Fees." (H. P. 464) (L. D. 566)

Tabled — earlier in today's session by Mr. Speers of Kennebec.

Pending — Passage to be Engrossed.

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

Papers from the House

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

Non-concurrent Matter

Bill, "An Act Concerning the Registration and Operation of Snowmobiles." (H. P. 845) (L. D. 1030)

In the Senate May 22, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-186), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-641) and Senate Amendment "A", in non-concurrence.

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

Mr. COLLINS: Mr. President and Members of the Senate: Since we last discussed this snowmobile bill, I have been contacted by a number of snowmobile club members in my area. I have a lot of respect for these clubs because they have brought some semblance of law and order to a very popular sport. I own five very small woodlots in my county, and in every case when people have wanted to go across those woodlots in the wintertime on their snowmobiles they have come to me in advance and obtained permission, and they have not abused the privilege but have carefully guarded it and protected my property. So I pay some attention when they in organized fashion come and tell me that they think this bill is not a good bill because it brings too much leeway to snowmobilers to go across and onto highways and because it is likely to bring them into a greater liability for licensing than they have known in the past. So I move the indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT pro tem: The Chair would advise the Senator from Knox, Senator Collins, that the proper motion to accomplish his objective would be to recede and then indefinitely postpone.

The pending motion before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate recede.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, an inquiry to the Chair: I take it at this time that a motion to recede and concur is out of order.

The PRESIDENT pro tem: The Chair would reply in the affirmative.

Mr. PRAY: Then the posture of receding will put the bill in a state where the good Senator from Knox can then move for indefinite postponement.

The PRESIDENT pro tem: The Chair would reply in the affirmative.

Mr. PRAY: Then I would like to ask for a division on the motion. I will first of all

explain one thing — we have debated this bill before — I have before me a letter from the Department of Transportation, signed by Commissioner Roger Mallar, in relationship to L. D. 1030 and this amendment.

Senate Amendment "A" was an amendment which I introduced in this body with great reservation, and I stated so at that time. It was my opinion and my belief that the limitations were as raised by the good Senator from Cumberland, Senator Berry, on the five hundred yard limitation.

The letter from the Commissioner states: "As a result of your courtesy, several groups met with you and Representative Phil Peterson and have prepared an amendment to respond to the above concern. It is my understanding both yourself and the member of the other body, the Maine Department of Transportation, the Maine State Police, and the Department of Inland Fisheries and Game are agreeable with this amendment. It is necessary to provide limits on the utilization of our highway system by snowmobilers in the interest of highway safety, and they are hopeful that the amendment will be given favorable consideration in order that a fair evaluation of these desirable adjustments in our Maine snowmobile laws can be accomplished. A representative of the Maine Snowmobile Association did attend one of our meetings and I believe that the representative fully understands the need for this amendment and the need for the additional adjustment in the language of L. D. 1030 in this respect."

These individuals, those people that we trust with the safety of our highways, the Commissioner and the Chief of the Maine State Police, and the individuals that are responsible for enforcing the Maine snowmobile laws, the Fish and Game Department, all believe that this amendment is going to help the Maine snowmobile laws. It was the opinion of the Fisheries and Wildlife Committee that heard the bill, which had an 11 to 2 Ought to Pass Report, that this would improve the existing laws that we have in relationship to snowmobiles.

At the time we spoke on this matter before, I raised the question of the letter that the Maine Snowmobile Association sent out to its members misstating a lot of the facts of what the bill did. And I, myself, having a lot of Maine Snowmobile members in my district, was contacted with a lot of erroneous statements in concern about what the bill did. I just hope that these aren't the concerns that have been expressed by the members in Senator Collins' district. I hope they understand this is in the interest of good legislation and good statutes upon our books to enforce and provide safety for Maine people, people upon the highways and people on the snowmobiles, and I would urge all of you to defeat the motion so a motion to recede and concur would be in order.

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

Mr. SPEERS: Mr. President, just as a matter of parliamentary procedure, I believe the good Senator from Penobscot, Senator Pray, would want the motion to recede to pass so he could then make the motion to concur with the House. If that would fail, then the motion to indefinitely postpone would be in order. If the motion to

recede were not to pass, then the bill would be in a posture of non-concurrence.

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

Mr. CIANCHETTE: Mr. President, I think this is a good bill. Let me relate a personal experience that I had with my 14-year-old son last winter. We have tried to raise him to obey the law, to understand the law, and to stay within the law. I think he does a pretty good job and I am kind of proud of him. He was on his snowmobile and he got on the highway to go around an obstruction, which is allowed by law, and I guess there was an area that some people had been using to climb up the bank again, so he attempted that and couldn't make it and then went down the highway just a little further to the next available place and was stopped by a state police officer. The state police officer gave him a pretty good culling out. Well, I am sure that didn't hurt him a bit, but the problem with it is that he came back and said "Dad, what did I do wrong?" I couldn't tell him what he did wrong, and I don't know what he should have done.

Had there been in the law a restriction and a definition of how far one may travel on the highway, I would have been able to tell him what was right and wrong, and he could have then easily understood it.

I think this bill clears up a problem with the existing law, and I would hope the Senate would recede and concur. If that motion were in order, Mr. President, I would make that motion.

The PRESIDENT pro tem: A motion to recede has precedence.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to thank the good Senator from Kennebec, Senator Speers, for pointing out the parliamentary procedure. With that understanding, then I would urge everybody to vote to go along with the receding, and then a motion to concur would be in order.

The PRESIDENT pro tem: Is the Senate ready for the question? The Chair will order a division. The motion before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate recede. All those in favor of receding will stand and remain standing until counted.

A division was had. 22 having voted in the affirmative, with no negative votes, the motion prevailed.

Mr. Pray of Penobscot then moved that the Senate concur, and Mr. Collins of Knox subsequently requested a division.

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

Mr. PRAY: Mr. President, I would just point out one further argument. As we discussed it before, this bill puts a limitation on the distance, and the intent is in the bill. The restriction on the amount of yardage states that it is not to exceed that amount of yardage — it doesn't say they can use that distance — when no other way is available to them.

To give you an example, an individual coming down alongside a road comes to a culvert where a small stream runs across, and there is a good sized culvert and the stream is not frozen over. The individual could then go onto the road, go around that culvert, and go back out onto the side or into the field. He could not necessarily travel down that road the distance spelled out in this law, because it says "not to

exceed", and it also states that it is only the distance necessary.

Another example is an individual coming down that same road and the stream is frozen over. That individual has the choice of going across where it is frozen or going on the road. If he goes on the road he is breaking the law because there was another way available for him to go around, where the culvert was.

Again, as I pointed out earlier, the Commissioner of the Department of Transportation, the Maine State Police and the Commissioner of the Fisheries and Wildlife Department all favor this bill. They consider it a big improvement and it is going to help them.

Also, the last time we discussed this I read a letter from the district judge in Aroostook County, Judge Turner, who strongly favors this bill to clear up a lot of the vagueness that is in our laws now.

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

Mr. McNALLY: Mr. Prsident, I don't own a snowmobile, but of all the bills that came before us in Fisheries and Wildlife, I think this one was the best studied and was the best prepared by the sponsor. It was carefully looked into and there were at least three different hearings when we took it up and discussed it pro and con and got the advice of the Inland Fisheries and Game for all the people that would know about it. I personally talked with Mr. Mallar of the Department of Transportation, and only a couple of days ago he assured me that they were in agreement with it and, when they met, that Captain Jones also was in agreement with it.

The only thing I can say is that if you saw me hunting around here like a woodchuck digging a hole, I was trying to find the snowmobile booklet, a little small orange colored booklet that has somehow got waylaid here or mislaid here somehow, because I wanted to cite two or three places where it was absolutely unable to have expressed any idea as to what was meant in certain paragraphs in it. It was agreed by Inland Fish and Game that this one bill, as now written, was much stronger and a much better bill to enforce than the old one was. I simply give out this information and you folks can do what you want to with it.

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

Mr. GAHAGAN: Thank you, Mr. President and Members of the Senate: I would just like to share with you a letter that I received from Mr. Benoit with reference to this L. D.

"L. D. 1030 makes more specific the statutory language in title 12 relating to the operation of snowmobiles and in reference to operation in the public way. This law, if amended by L. D. 1030, would clarify such statute. L. D. 1030 does not make the law more liberal than it is now. Presently the statute is almost unlimited in its effect."

In light of this, and in light of the work that has gone into this bill in this session, I would recommend that we do recede and concur with the House.

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

Mr. BERRY: Mr. President, may I pose a question through the Chair? The letter, which Senator Pray from Penobscot read indicated that an amendment was to be

offered. Has that amendment been offered?

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

Mr. PRAY: Mr. President, that would be House Amendment "B", H-641.

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

Mr. Speers of Kennebec moved that the Bill be tabled and Specially Assigned for June 9, 1975, pending the motion by Mr. Pray of Penobscot that the Senate Concur.

Mr. Pray of Penobscot then moved that the Bill be tabled until later in today's session, pending the motion by that same Senator that the Senate Concur.

On motion by Mr. Speers of Kennebec, a division was had. 12 having voted in the affirmative, and 13 having voted in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for June 9, 1975, pending the motion by Mr. Pray of Penobscot that the Senate Concur.

Non-concurrent Matter

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

In the House June 3, 1975, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-637).

In the Senate June 4, 1975, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mrs. Cummings of Penobscot, the Senate voted to Adhere.

Joint Order

WHEREAS, the United States is in the initial stages of a far reaching energy crisis and is seeking new and alternative sources of energy; and

WHEREAS, the United States is dependent upon expensive foreign oil which has a significant effect on the national economy; and

WHEREAS, the Council on Environmental Quality estimates that there are 10 to 20 billion barrels of potentially discoverable and economically recoverable oil and 55 to 110 trillion cubic feet of gas in the Atlantic Outer Continental Shelf; and

WHEREAS, the Council on Environmental Quality considers the Georges Bank with an estimated 60,000 cubic miles of sediment to be one of the richest off-shore depositories of the nation; and

WHEREAS, federal agencies as well as private enterprise are exerting significant pressure to develop the Atlantic Outer Continental Shelf which makes future Outer Continental Shelf development more and more probable; and

WHEREAS, the only type of existing off-shore drilling comparable to that anticipated for the North Atlantic is located in the North Sea; and

WHEREAS, the North Sea drilling facility required extensive planning on the local and regional level; and

WHEREAS, the North Sea drilling facility portends profound impact and change on the economies, population, housing facilities and growth of the coastal towns and cities of the British Isles; and

WHEREAS, the North Sea off-shore drilling facilities pose serious and challenging environmental problems for

the entire British Isles; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized through the Joint Standing Committee on Energy, to analyze the impact of the development of the Outer Continental Shelf and off-shore drilling in the Georges Bank region on Maine's energy resources, the State's economy, housing facilities, and social services, and the type of local, state, and regional planning that must be implemented to protect the State of Maine and to accommodate Outer Continental Shelf development; and be it further

ORDERED, that the Legislative Council, via the Energy Committee, conduct the study in consultation with the Department of Environmental Protection, the Department of Marine Resources, the Department of Commerce and Industry, the Governor's Advisory Committee on Coast Advancement and Conservation, the Maine Resources Commission and other agencies or departments that will enable the Legislative Council to carry out this Order; and be it further

ORDERED, that the Legislative Council report its findings, together with final drafts with any recommended legislation to the next special or regular session of the 107th Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted to the departments and agencies directed to cooperate with the Legislative Council as notice of this directive. (H. P. 1668)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Order

WHEREAS, this is an age of increasing scarcity of energy and of natural resources; and

WHEREAS, the recycling and reuse of consumer and industrial goods is one of the chief methods of conserving the limited supply of energy and natural resources; and

WHEREAS, the Legislature recognizes that a comprehensive system of recycling and reuse of consumer and industrial goods is only economically feasible on a state-wide scale; and

WHEREAS, such recycling and reuse would also have the advantage of significantly decreasing the amount of litter which presently despoils Maine's natural beauty; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is authorized, through the Joint Standing Committee on Natural Resources, to study the economic, social and environmental feasibility of instituting a state-wide, comprehensive system of recycling consumer and industrial goods and materials; and be it further

ORDERED, that the experience of other states, especially Massachusetts, in attempting to establish a state-wide system of reuse and recycling be studied in an effort to learn from the efforts of others; and be it further

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

ORDERED, upon passage in

concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1669)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is directed to report out a bill to take action to enable the Department of Mental Health and Corrections of the State of Maine to fill staff vacancies resulting from the "freeze on hiring" that have caused hardships at State institutions. (H. P. 1674)

Comes from the House, Read and Passed.

Which was Read.

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

Communications

STATE OF MAINE

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

June 5, 1975

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

Dear Mr. Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act to Require the Closing of Voter Registration 32 Days Prior to an Election" (H. P. 20) (L. D. 28).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

STATE OF MAINE

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

June 5, 1975

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

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air" (H. P. 1191) (L. D. 1487).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Senate Papers

Appropriations and Financial Affairs

Mr. Speers of Kennebec presents, Bill, "An Act Appropriating Funds for Emergency Repair of the Dam at Annabessacook Lake in Kennebec County." (S. P. 553)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10).

The Committee on Reference of Bills

suggests that this Bill be referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was Referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Speers of Kennebec, WHEREAS, the Legislature, by Senate Paper 391, has created the Joint Select Committee on Jobs; and

WHEREAS, this Joint Select Committee was given the task of examining the effectiveness of the present employment programs of the State, including that conducted under the Comprehensive Employment Training Act of 1974, of establishing priorities for the use of public service jobs under the Comprehensive Employment Training Act and of considering new programs and methods by which the State can respond to the present unemployment problem; and

WHEREAS, it is urgent that the Legislature have the benefit of that committee's report as soon as possible; now, therefore, be it

ORDERED, the House concurring, that the Joint Select Committee on Jobs of the 107th Legislature make its final report to the Legislature no later than Friday, June 13, 1975; and be it further

ORDERED, that the recommendations of that Joint Select Committee be referred to the Legislative Council, which is hereby authorized to take any further action on those recommendations as it deems necessary acting through the Joint Standing Committee on Labor. (S. P. 555)

Which was Read.

The PRESIDENT pro tem: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: By way of explanation of this joint order, I would not want any member of this body or the other body to feel that in any way is a reflection on the events of the past few days. However, when the Joint Select Committee on Jobs were created, it was the full intent at that time of the leadership of this legislature of both parties in both houses that the Joint Select Committee would be in existence for the period of time that the legislature was in session, and that the recommendations of that committee should be carried on or any further studies that the committee may recommend should indeed be carried on through the Joint Standing Committee on Labor. And it is the very strong feeling and the strong recommendation of both of the parties' leadership in both branches of the legislature that any continuing work on behalf of the legislature should be done on the part of a joint standing committee rather than a joint select committee; a joint select committee being one which was created for a very special purpose for a very limited and distinct period of time.

So I would hope that this order would receive its passage at this time, and it is in no way any reflection upon any individual or on the individuals who have participated in the Joint Select Committee on Jobs. In fact, I feel that they have done a good job in putting together several recommendations for further action that could be undertaken by the Standing Committee on Labor.

I move passage of this order at this time.

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

Mr. REEVES: Mr. President, this order was a surprise to me when I saw it on the calendar a few minutes ago, and I did speak to the majority leader about it after that.

The first report of the Joint Select Committee on Jobs was due to be presented to the Senate on May 30, but after consulting with leadership, we asked for an additional week to prepare this study and recommendations for actions, and I can report now that this report will be printed and ready for distribution by tomorrow night and will be on the desks of the Senate Monday morning.

As sort of a preview, I would like to relate that included in this report are recommendations for plans which could generate as many as 8,100 jobs within the next year, and a great majority of these jobs, we feel, can come by turning around the government's present system whereby a person is paid approximately \$8,000 a year to remain unemployed. We think a plan can be devised — and we have discussed this with the federal officials in Boston and Washington, and with our own Manpower Affairs Department — we think that this plan can be worked out to use the same \$8,000 a year to employ an unemployed person in a project that would be of lasting benefit to the community.

Now, in addition to the development of this program for unemployed people, the Committee on Jobs will make several other recommendations for further activities and studies, including tax incentives and grants to private business for job creation, a development bank for locally initiated industries, such as the project that came before us in Fryeburg where out of work shoe workers are forming their own company to reopen a closed factory.

Further, the Committee on Jobs will recommend that it keep an eye on all of its recommended actions whereby over 8,000 jobs can be created.

Mr. President and Members of the Senate, I believe it is the wish of all the members of this committee to continue our efforts to identify programs and generate jobs during our present unemployment crisis, and in view of Maine's rate of unemployment of 12 percent, I think this is a necessary and timely effort.

As this order proposes the demise of the Committee on Jobs, I hope the Senate today would either defeat this order or table it, since our report is going to be out on Monday, in order for the members of the Senate to read the committee's report and judge for themselves if the Committee on Jobs, which wishes to pursue its efforts, should be continued.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would have to add my strong support to the good Senator from Kennebec, Senator Reeves, and his Joint Select Committee on Jobs. I know it was not the intent of leadership at the time that this original Joint Select Committee was formulated that it would perpetuate itself through the entire interim of the legislative session.

I do think this order does come upon us very suddenly, although I cannot negate the words of the Majority Floor Leader, Senator Speers, when he stated that this subject has been mentioned in leadership relative to the termination of the Joint Select Committee on Jobs. I do feel though very strongly that the committee has done

an outstanding job and I know, as one individual of this body, I have seen a skeleton outline and have also been presented with some of the facts by other members of the Joint Select Committee, as many as from Senator Reeves, and I must commend them for their very hard work that they have undertaken, particularly during the legislative session when there are so many other chores that have been assigned to them with their joint standing committees to which they have been assigned.

Mr. President, I feel that to pass this order at this particular time is not really necessary, and I would hope that someone would at least lay this on the table until Monday next.

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

Mr. Carbonneau moved that the Joint Order be tabled and Specially Assigned for June 9, 1975, pending Passage, and Mr. Speers of Kennebec subsequently requested a division.

Mr. Reeves of Kennebec then requested a roll call.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The question before the Senate is the motion by the Senator from Androscoggin, Senator Carbonneau, that this joint order be placed on the table until Monday next, pending passage.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, lest there be any misunderstanding whatever, I move that this item lay on the table for one legislative day.

The PRESIDENT pro tem: The question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that this order be tabled for one legislative day.

The Chair will order a division. All those in favor of tabling this item for one legislative day pending passage will please rise.

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

Committee Reports House

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

Bill, "An Act to Set Standards for Single-unit Municipal Assessing Areas." (H. P. 53) (L. D. 65)

Bill, "An Act to Permit Primary Assessing Districts to Employ Part-time Assessors." (H. P. 253) (L. D. 302)

Bill, "An Act to Establish Minimum Assessment Standards for Single-unit Municipal Assessing Areas." (H. P. 967) (L. D. 1268)

Bill, "An Act Relating to Assessing Standards." (H. P. 1104) (L. D. 1414)

Bill, "An Act Relating to Property Assessing Tax Laws." (H. P. 1170) (L. D. 1478)

Leave to Withdraw

The Committee on Public Utilities on, Bill, "An Act to Permit the Public Utilities

Commission to Review Sewer Rates and Charges upon Request of an Aggrieved Party." (H. P. 1140) (L. D. 1435)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act Concerning the Formation of Corporations without Capital Stock." (H. P. 1291) (L. D. 1598)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-639).

The Committee on Business Legislation on, Bill, "An Act Concerning the Agency Collection Act." (H. P. 1258) (L. D. 1553)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-634).

The Committee on Labor on, Bill, "An Act Concerning the Workmen's Compensation Act." (H. P. 1453) (L. D. 1741)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-633).

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

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

Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act Relating to the State Valuation of the Town of Stoneham." (H. P. 1567) (L. D. 1875)

Reports that the same Ought to Pass in New Draft under New Title: Resolve, Appropriating Funds for the Reimbursement of the Town of Stoneham for Property Declared Tax Exempt After the Determination of the State Valuation (H. P. 1662) (L. D. 1914).

Comes from the House, the Bill in New Draft Passed to be Engrossed.

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

Enactors

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

An Act to Clarify the Laws Relating to Marine Resources. (S. P. 276) (L. D. 934)

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

An Act to Clarify Laws Relating to Corporations. (S. P. 421) (L. D. 1388)

An Act Relating to Reports of Soil Suitability in Municipalities which have Adopted Shoreland Zoning Ordinances. (S. P. 248) (L. D. 821)

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

At this point President Sewall entered the chamber and resumed his position at the rostrum. The Sergeant-at-Arms then escorted Senator Berry to his seat on the floor of the Senate, amid the applause of the members of the Senate.

The PRESIDENT: The Chair would like

to thank the Senator from Cumberland, Senator Berry, for an outstanding job.

Emergency

An Act Relating to Verifying Facts Supporting the Eligibility of Applicants for Aid for Families with Dependent Children. (H. P. 1467) (L. D. 1726)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Papers from the House

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

Committee Reports

House Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to the Freedom of Individual Health Insurance Policyholders to Choose a Psychologist to Provide Mental Health Services." (H. P. 1024) (L. D. 1303)

Reports that the same Ought Not to Pass.

Signed:

Senator:

JOHNSTON of Aroostook

Representatives:

BOUDREAU of Portland

DeVANE of Ellsworth

RIDEOUT of Mapleton

BYERS of Newcastle

HIGGINS of Scarborough

PIERCE of Waterville

PEAKES of Dexter

BOWIE of Gardiner

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

Signed:

Sensors:

THOMAS of Kennebec

REEVES of Kennebec

Representatives:

CLARK of Freeport

TIERNEY of Durham

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

Which reports were Read.

Mr. Thomas of Kennebec moved that the Senate Accept the Minority Ought to Pass Report of the Committee in concurrence.

On motion by Mr. Johnston of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Thomas of Kennebec, that the Senate Accept the Minority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to the Freedom of Subscribers to Hospital, Medical Service or Health Care Plans to Choose a Psychologist to Provide Mental Health Services." (H. P. 1023) (L. D. 1302)

Reports that the same Ought Not to Pass.

Signed:

Senator:

JOHNSTON of Aroostook

Representatives:

BOUDREAU of Portland

PEAKES of Dexter

RIDEOUT of Mapleton

DeVANE of Ellsworth

BYERS of Newcastle

PIERCE of Waterville

HIGGINS of Scarborough

BOWIE of Gardiner
The Minority of the same Committee on the same subject matter reports that the same Ought to Pass.

Signed:

Sensors:

THOMAS of Kennebec
REEVES of Kennebec

Representatives:

CLARK of Freeport
TIERNEY of Durham

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

Which reports were Read.

On motion by Mr. Conley of Cumberland, tabled and Specially Assigned for June 9, 1975, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to the Freedom of Group Health Insurance Policyholders to Choose a Psychologist to Provide Mental Health Services." (H. P. 1025) (L. D. 1304)

Reports that the same Ought Not to Pass.

Signed:

Sensor:

JOHNSTON of Aroostook

Representatives:

BOUDREAU of Portland
DeVANE of Ellsworth
RIDEOUT of Mapleton
BYERS of Newcastle
HIGGINS of Scarborough
PEAKES of Dexter
BOWIE of Gardiner
PIERCE of Waterville

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

Signed:

Sensors:

THOMAS of Kennebec
REEVES of Kennebec

Representatives:

CLARK of Freeport
TIERNEY of Durham

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

Which reports were Read.

Mr. Thomas of Kennebec moved that the Senate Accept the Minority Ought to Pass Report of the Committee in concurrence.

On motion by Mr. Johnston of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Thomas of Kennebec that the Senate Accept the Minority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Occupational Safety and Health in Public Employment." (H. P. 478) (L. D. 646)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-635).

Signed:

Sensors:

ROBERTS of York
McNALLY of Hancock
PRAY of Penobscot

Representatives:

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

The Minority of the same Committee on

the same subject matter reports that the same Ought Not to Pass.

Signed:

Representatives:

SPROWL of Hope
TARR of Bridgton

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Provide Income Tax Credits for Eligible Businesses." (H. P. 935) (L. D. 1177)

Reports that the same Ought not to Pass.

Signed:

Sensor:

MERRILL of Cumberland

Representatives:

SUSI of Pittsfield
TWITCHELL of Norway
DRIGOTAS of Auburn
MAXWELL of Jay
COX of Brewer
IMMONEN of West Paris
MORTON of Farmington
DAM of Skowhegan

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-640).

Signed:

Sensors:

WYMAN of Washington
JACKSON of Cumberland

Representatives:

FINEMORE of Bridgewater
MULKERN of Portland

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

Which reports were Read.

Mr. Merrill of Cumberland then moved that the Bill and accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President, I just want to explain briefly to the Senate why this bill received a majority ought not to pass report from the Committee on Taxation. It wasn't because there was a solid feeling on the committee that something shouldn't be done to provide tax credits to promote jobs in the State of Maine. It was simply that it was the feeling of the majority of the committee that the bill was badly drafted. It provides a credit, if my memory is correct, for businesses that design a new product, whereas I think the majority of the committee thought that when we do get into a program of this kind that it should follow further study and that it should be based on new jobs and not new products.

The feeling of the committee was that if a business expands and makes new jobs, that that is the important thing to focus on, and not whether or not they can find some way to characterize their production as being that of a different product.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that L. D. 1177 and all its accompanying papers be indefinitely

postponed. Is this the pleasure of the Senate?

The motion prevailed.

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

Mr. CIANCHETTE: Mr. President, having voted on the prevailing side, I move reconsideration of this item and ask that the Senate vote against my motion.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now moves that the Senate reconsider its action whereby L. D. 1177 was indefinitely postponed. Will all those Senators in favor of the motion to reconsider please say "Yes"; those opposed "No".

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

Divided Report

Seven members of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor. (H. P. 16) (L. D. 24)

Report in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-583).

Signed:

Representatives:

COONEY of Sabattus
QUINN of Gorham
PELOSI of Portland
KANY of Waterville
WAGNER of Orono
SNOW of Auburn
CARPENTER of Houlton

Two members of the same Committee on the same subject matter report in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (H-584).

Signed:

Representatives:

STUBBS of Hallowell
LEWIN of Augusta

Two members of the same Committee on the same subject matter report in Report "C" that the same Ought to Pass as Amended by Committee Amendment "C" (H-585).

Signed:

Sensors:

CURTIS of Penobscot
GRAHAM of Cumberland

One member of the same Committee on the same subject matter reports in Report "D" that the same Ought Not to Pass.

Signed:

Sensor:

WYMAN of Washington

Comes from the House, Report "A" Read and Accepted and the Resolution Passed to be Engrossed as Amended by Committee Amendment "A" (H-583).

Which reports were Read.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of any Report.

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

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

Tabled — June 4, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

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

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its former action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-269, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act to Increase Certain Hunting and Fishing License Fees", (H. P. 464) (L. D. 566).

Tabled earlier in today's session by Mr. Pray of Penobscot.

Pending — Passage to be Engrossed.

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

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

Senate Amendment "B", Filing No. S-273, to Committee Amendment "A" was Read.

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

Mr. PRAY: Mr. President, I would like to ask a question to the Chair. In consideration of a precedent set here by the Chair on May 28th in relationship to L. D. 1817, and Senate Amendment "A", 211, which was in contradiction with a previous bill passed, I wonder if this amendment, which is in contradiction to a bill passed earlier in this session, L. D. 1512, would not fall under Rule 21 as ruled by the Chair earlier?

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, earlier in this session, with a legislative document that I introduced with an emergency preamble, I stood before you and explained each subsection of that bill, which repealed several sections of the Maine Fish and Game Laws. I stood here and explained what each section did, including the section 9 under 2401 (b), which says "Licenses to members of the armed forces, spouses and children. A license to hunt or fish shall be issued at the resident license fee." The amendment being offered by the Senator from Aroostook, Senator Gahagan, will put them in that same category again on something that the entire legislature passed unanimously and was signed into law by the Governor several weeks ago. I raise a little bit of objection to this.

I also have a Senate Amendment which will give the service man and his spouse and children a license at half the non-resident's fee, and I feel it is a good compromise, considering the factors which I would like to point out. A serviceman's pay today, take an E-3 — I

have got the pay scales here, and an E-3 earns a little bit better than \$5,000 a year. He has quarters allowance amounting to a little bit over \$1,300 a year. He has a subsistence allowance, he has a clothing allowance, he has other benefits and medical and dental care provided.

Now, we have a lot of people in this state and I think the state's average income is perhaps around \$4,200 — I have heard that on the Labor Committee — which is much lower than the military personnel. I realize that these people are serving their country, and that is why I have the amendment to give it to them at half the non-resident rate. But we have privileges and benefits for the people that live in this state, and one of the costs to the people that live here is the economic factors and the economic hardships that they face. One of the privileges that we have is the resource of our fish and game that many people come to this state for. We have established rates and prices for our licenses, and much consideration has been given by the committee. We have a bill before you now that increases licenses, and in consideration of that bill we considered both the resident and the non-resident.

We have got to realize that the department is primarily sponsored and supported by the non-resident, and we attempt, in consideration of what we are going to ask these other people to pay, to take in the factor of what way we can make it most accessible to the Maine people, first, and second, keep it attractive to non-residents. But the matter we have before us right now is not on that issue.

I understand the Aroostook delegation has a problem with a military installation in their district which has a sizable amount of revenue that enters into their economic situation up there. My interest is not against that area nor against military personnel, but is for the interests of the people of this state.

I have asked for a division, and I would urge the defeat of Senate Amendment "B" so we could get down to Senate Amendment "C". We are giving these guys a break with that amendment, but we are not giving them the same break that the resident, the person who lives in this state, has. A lot of consideration by the committee was given, the committee report was unanimous on that bill which took that privilege away from these people, and now we are turning around and offering something back to them.

In the past few days I have received phone calls, I have talked to wing commanders and I have talked to NCO's of high status, telling me what the State of Maine is going to do, that the State of Maine is going to give them back this privilege. I find that bothersome to me, to have a wing commander or somebody call me up and tell me that the Maine Legislature made a mistake and that they want this back. He wasn't asking, he was telling.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: I am not the Wing Commander at Loring Air Force Base, but I submit that the Maine Legislature made a mistake. I haven't talked with any generals or any NCO's above the rank of E-3. An E-2 at Loring Air Base, if he lives on base, makes \$5,536. If he lives off base and is a resident of one of the surrounding communities, as many of them are, he makes \$6,865. These guys are not millionaires.

One of the privileges that they have enjoyed over the years is the hunting and fishing in the State of Maine at resident's fees. Many of these people are in fact property owners in the communities that surround Loring Air Base, and I think they should be allowed to hunt and fish here and pay resident's fees.

It doesn't mean a great deal to the coffers of the State of Maine, but it does mean a great deal in furthering the good relationship which exists today, at least in my community in Aroostook County, between Loring and the surrounding towns. I just want to preserve that good relationship and the feeling that exists between the military personnel and the civilian personnel. I think we have interfered a little here, and I think we should back up and accept this amendment.

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

Mr. PRAY: Mr. President, I initially brought up the amount of money they made and I did mention some of the benefits. I would like to read from this U.S. Air Force Airman's Pay Guide, which is three years old and a little bit out of date because they have had pay raises since then. Some of the in-service benefits: military and dental care for yourself, medical and dental care for family, free and low cost travel, 30 days annual leave, service clubs, commissary, BX exchanges — I can go on, there are two columns here — and I served and I understand the servicemen's problem.

When I was in and moved to two bases, one in Texas and one in Kansas, the first thing I started doing was looking around to see which was the most economical place to claim residency; where could I get my automobile insurance the cheapest and where was the automobile registration the cheapest. And being the sportsman that I am, when I was in Texas I had to claim Texas as a residency to get a Texas hunting license.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: The purpose of this amendment that is being introduced is in reaction to a morale problem which I believe exists presently between Loring Air Force Base and the communities in my district, Senator Johnston's district and Senator Cyr's district. I think basically what we are talking about here is not a question of figures but a question of an attitude which exists between a military installation, the people who live on it, and the people of the community.

Our communities in Aroostook County depend quite heavily upon the services which are purchased from our merchants by those people who live on the military installation. We have a very good relationship between the military air force base at Loring and our communities and we want to continue this relationship.

The legislature did make an error in passing a bill which discriminated against those people who are living on air force bases by saying that they would have to pay a non-resident hunting license fee. I wish it were not a big issue but it is a big issue, and the other Senators from Aroostook and I have reacted by preparing this amendment to present to you today. It is not a question of money; it is a question of an attitude between a community and a military installation which it services.

Let me just give you an example of one

of the things that the military base has done for us and why we would like to do this in return for them. At one point the commander at Loring Air Force Base was asked by his wing if they would like to provide the service of selling boats and motors and other kinds of marine equipment at the base BX. The commander's answer was, "No, the local merchants supply boats and motors and other kinds of marine equipment, and we don't believe that we should go into competition with them here at the base. We think that our servicemen should be purchasing in the community." And as you know, with potatoes the way they are, some years we depend quite heavily upon Loring Air Force Base.

I believe what the legislature did, and what Senator Pray's objective is now, is pointing a gun directly at Loring Air Force Base from the rest of the state. I don't think we should allow this to happen. I think that we should demonstrate that we are concerned about living as good neighbors. These people do spend four years of their time here. Many of them have purchased houses in the local communities. They spend four years here and they spend a lot of money, and I think we could continue to do what we have done in the past. In the past these residents of military installations have been purchasing licenses in the State of Maine at the same price that other residents do. This amendment will continue that practice.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I rise not as a Senator from a district which has a base, but our office has had some experience in the field of differentiation between resident and non-resident fees in certain areas, and the courts are becoming more and more likely to strike down those differences as a violation of the United States Constitution. And it seems to me that by adopting this amendment we are putting the situation back where it should be put, and that is that the serviceman who is stationed permanently — — and I believe that is what the amendment states — would pay the resident fee.

I think if we make a differentiation between the fees we are going to invite a law suit on behalf of one or more of the military personnel, which could very well throw out the entire resident-non-resident license fee structure. And I think that we are not really talking about a lot of money here, but we could be talking about a substantial amount of money if that difference between the resident and the non-resident were thrown out. So I hope you would support the amendment of the good Senator from Aroostook, Senator Gahagan, and adopt Senate Amendment "B". Thank you, Mr. President.

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

Mr. McNALLY: I would like to ask a question through the Chair, Mr. President, to anybody from Aroostook. I talked to one of the NCO's from Loring, and if I understood him correctly, he tells me that they have some 9,000 acres of land and they hunt on part of this land, at least, and that they buy licenses to hunt on that land and have always been glad to do so. I wish some of the members from up there could tell me whether this is so or not. I would be interested.

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

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President and Members of the Senate: This is true, there are several thousand acres on base which the base residents may hunt on. The base also provides its own game warden at the base's own expense.

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

Mrs. CUMMINGS: Mr. President, is Committee Amendment "A" debatable at the moment, or just the Senate Amendment?

The PRESIDENT: The item before the Senate at this point, Senator Cummings, is the adoption of Senate Amendment "B" to Committee Amendment "A".

Mrs. CUMMINGS: Then Committee Amendment "A" would not be debatable?

The PRESIDENT: The Chair would say that it certainly would be debatable.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I am surprised that someone hasn't mentioned it, but I have had several calls from snowmobilers protesting this, because they said that originally when L. D. 566 came up, to increase certain hunting and fishing license fees, that the snowmobilers paid no heed to it, and then Committee Amendment "A" raises the snowmobilers fees because they apparently weren't getting enough money from the raising of the licenses. And one coined what I think is going to be a ringing phrase, "Taxation without representation is tyranny", and he is against it. I was surprised that nobody had brought that up. It didn't seem as if this was the way most things should be done in this state, and I wondered if perhaps it might even be not quite germane.

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

Mr. McNALLY: Mr. President, I realize you can't say too much about the unmentionable body, but this bill has come to us with no amendment on it, outside of the committee amendment. There are three House amendments in our book, two from one representative and one from another one, and I understand that it is recommitted, because it says so on our calendar, that it has already been recommitted in the other body to the committee again.

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

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

The PRESIDENT: A division has been requested. Will all those Senators in favor of adopting Senate Amendment "B" to Committee Amendment "A" please rise in their places until counted.

A division was had. 26 having voted in the affirmative, and three having voted in the negative, Senate Amendment "B" to Committee Amendment "A" was Adopted.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would apologize to the Senate, particularly at this late hour, but I wonder how many members of the Senate have a copy of the Committee Amendment, Filing H-369. I think, Mr. President, probably most of you will find it

in your bottom drawers somewhere, as this amendment came out quite a while ago. But if you look at the increases that are being proposed in this particular document, you will find that they are really quite excessive.

We all recognize the fact that the Department of Fish and Game does operate under dedicated revenue, but I hate to see some of the citizens in this state have to dedicate what little enjoyment they may get out of life to the Fish and Game Department.

This amendment says in the statement of fact, "It is the purpose of this amendment to increase revenues derived from fish and game licenses and snowmobile registrations to maintain existing levels of services. The adjustment is estimated to generate \$1,037,000 in additional revenue necessary for the departmental operation."

Mr. President, I heard prior to coming to this body, particularly during the last campaign, a gentleman running for the chief executive position of this state talk about bureaucracy and the operations of bureaucracy, and I honestly feel as I look at this amendment that it is bureaucracy that is telling us exactly what we are going to do and telling the citizens of this state what they must do if they want to be able to enjoy some little luxury of life; that is, to take their kids down to the watering hole and do a little fishing.

For example, the following fee schedule is established: junior non-resident fishing 12-16 years of age from \$2.50 to \$3.50. That is not bad. Resident fishing, 16 years of age or older, from \$6.50 to \$8.50. Resident or non-resident, three day fishing, from \$6.50 to \$8.50. Non-resident seven-day fishing, from \$7.50 to \$9.50. Non-resident 15-day fishing from \$10.50 to \$13.50. Non-resident season fishing, 16 years of age or older, from \$15.50 to \$20.50. And you go on down through.

I certainly don't oppose some of the raises in the fees being made relative to non-residents, but I am just sick and tired of people with children who want to somehow participate in their home state, "vacationland", and who have to end up paying these additional fees for the sole purpose of what I consider to be in many cases just an outright waste of money.

Governor Longley said earlier, and made it quite loud and clear, particularly to the leadership, that he wasn't going to allow any commissioner or any department head to come before any committee and make its demands upon them or to increase revenues other than what he had scheduled or the budget office itself had scheduled as the needs and requirements for operation of its department. As I look at this, I just cannot vote for the bill, and would certainly hope that this could be placed on the table so that we could have an opportunity of really looking over this amendment and perhaps coming up with something more palatable to everyone.

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

Mr. SPEERS: Mr. President and Members of the Senate: I can certainly very well sympathize with the good Senator from Cumberland, Senator Conley, in his reluctance to authorize any increase in the fees for licenses for the operation of the Department of Inland Fisheries and Game, but I would like to simply make the comment that I think we all find it unfortunate and even perhaps we all get a little bit sick and tired of having to

pay for the services that are performed by state government. Certainly we all complain about taxes, we all find it very difficult to pay those taxes, and we all complain about fees that we have to pay for all kinds of licenses. But certainly none of us could argue the fact, and it is a very stark reality, that if we are going to have services by departments of state government, we have to pay for it.

Now, I am also very much interested in the comments made by the good Senator and perhaps others in this body that intend to vote against, or who perhaps may be disturbed by the necessity of an increase in license fees, when I think that a few days ago I had pointed out and others in this body had pointed out that we had another bill before us that would have brought into the Department of Inland Fisheries and Game \$175,000 a year without an increase in license fees. I am not saying that that would have taken care of all of the problems, but it is very interesting to note that individuals who may have been disturbed with this did vote against that bill. And I pointed out at the time that that was the only particular concern I had in voting in favor of that bill, that it brought in \$175,000 per year to the department. But so be it, as that bill is gone and finished, at least for this session. But now we are faced with the consequences of that action, and certainly that action contributed to this amendment, contributed to the need for these fees.

I don't know how much of that \$1,000,000 the Department of Inland Fisheries and Game actually needs or what it intends to do with that amount of money, whether that is the minimum that is needed to even operate the programs that the department is operating now. The reason that I don't know that answer, Mr. President, is because I was not on the Committee on Inland Fisheries and Wildlife, and that is what we have committees for. I do happen to know, because I had a hearing on the same day that the fees were being discussed, that there was a considerable amount of discussion and testimony before that committee on behalf of the department and on behalf of the individuals who most used the services of that department, the sportsmen of this state, regarding the increase in fees. There was support for it, there was opposition to it, there was support and opposition on behalf of the members of the committee, and I am sure that the committee worked long and hard and arduous hours to come up with the recommendations that it felt best and that it felt were needed.

I think it would be almost irresponsible of us to stand here now and say arbitrarily — and I think it is arbitrary — that the department does not need \$500,000 or \$20,000, or whatever the figure might happen to be, or even in the extreme that the department does not need the additional \$1,000,000 and to kill the bill outright. I think that would be irresponsible, Mr. President. I know that the committee has been as aware as the rest of us here as to the need for economy and the desire to keep the expenses of state government under control. And I think that without knowing further, without further evidence being presented to this body, as to the amount that could be deducted from this amendment without seriously impairing some of the activities of the Department of Inland Fisheries and Game would be irresponsible, and I would hope the Senate would continue this bill and pass it to be engrossed.

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

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Corson of Somerset to Indefinitely Postpone the Bill and accompanying papers.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 1:30 o'clock tomorrow afternoon.