

# 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**

Friday, June 6, 1975

Senate called to order by the President.  
Prayer by the Honorable Gerard Conley of Portland:

O Heavenly Father, we ask thee to give us the wisdom to conduct our business this day in an orderly fashion and do for the citizens of this state what is truly expected of us. Amen.

Reading of the Juornal of yesterday.

The PRESIDENT: The Chair at this time would ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Katz, to the rostrum to act as President pro tem.

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

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

Bill, "An Act Relating to Exemption of the East Auburn Community Unit, Inc., from Property Taxes." (S. P. 482) (L. D. 1613)

In the Senate June 2, 1975, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

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

On motion by Mr. Berry of Androscoggin, the Senate voted to Insist.

**Non-concurrent Matter**

Bill, "An Act to Reassign the Functions of the Department of Commerce and Industry and the Office of Energy Resources." (S. P. 440) (L. D. 1456)

In the Senate May 15, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (S-133).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-534), in non-concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Relating to Contracts of Teachers with Municipalities." (H. P. 1033) (L. D. 1339)

In the House May 12, 1975, Passed to be Engrossed as Amended by House Amendment "A" (H-253), as Amended by House Amendment "C" (H-300) Thereto, in non-concurrence.

In the Senate May 27, 1975, Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Merrill of Cumberland, the Senate voted to Insist and Ask for a Committee of Conference.

**Non-concurrent Matter**

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

In the Senate May 30, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (S-218).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-632) Thereto, in non-concurrence.

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

**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 Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air" (H. P. 1191) (L. D. 1487):

Representatives:  
CARPENTER of Houlton  
SMITH of Dover-Foxcroft  
PETERSON of Caribou

Respectfully,

Signed:

EDWIN H. PERT  
Clerk of the Huose

Which was Read and Ordered Placed on File.

**STATE OF MAINE**

One Hundred and Seventh Legislature  
Committee on Marine Resources

June 5, 1975

Honorable Joseph Sewall  
President of the Senate  
State House  
Augusta, Maine 04333  
Dear Sir:

It is with pleasure that I report to you that the Committee on Marine Resources has completed all action necessary on the business placed before it by the 107th Legislature.

Total Number of Bills Presented	40
Unanimous Reports	34
Leave to Withdraw	13
Ought Not to Pass	7
Ought to Pass	3
Ought to Pass as Amended	8
Ought to Pass in New Draft	3
Divided Reports	6
Total Number of Amendments	12
Total Number of New Drafts	3
Total Number of Referrals	0

Sincerely,

Signed:

RICHARD N. BERRY  
Senate Chairman

Which was Read and Ordered Placed on File.

**Orders**

On motion by Mrs. Cummings of Penobscot.

WHEREAS, Legislative Document Number 1012 was introduced at the regular session of the 107th Legislature to allow water companies and water districts to put rates in under bond; and

WHEREAS, the matter involved technical legal and financial matters; and

WHEREAS, the subject matter of the bill is a possible solution for the Public Utilities Commission to better control its docket in order to provide thorough review of rate proceedings; and

WHEREAS, this subject matter requires in-depth study; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Public Utilities, to study the subject matter of L. D. 1012; 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. 557)

Which was Read.

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

**Committee Reports  
House**

**Ought to Pass in New Draft**

The Committee on Transportation on, Bill, "An Act Granting the Maine Port Authority Certain Powers with Respect to Acquiring, Operating and Leasing Certain Railroad Equipment." (H. P. 1193) (L. D. 1489)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to the Maine Transportation Board" (H. P. 1656) (L. D. 1911).

Comes from the House, Bill and accompanying papers Recommended to the Committee on Transportation.

Which report was Read and the Bill and accompanying papers Recommended to the Committee on Transportation, in concurrence.

**Divided Report**

The Majority of the Committee on Taxation on, Bill, "An Act Increasing the State Gasoline Tax." (H. P. 1055) (L. D. 1332)

Reported that the same Ought Not to Pass.

Signed:

Senators:

MERRILL of Cumberland  
JACKSON of Cumberland

Representatives:

TWITCHELL of Norway  
IMMONEN of West Paris  
DRIGOTAS of Auburn  
MULKERN of Portland  
COX of Brewer  
MAXWELL of Jay

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

Signed:

Senator:

WYMAN of Washington

Representatives:

MORTON of Farmington  
FINEMORE of Bridgewater  
SUSI of Pittsfield  
DAM of Skowhegan

Comes from the House, Bill and accompanying papers Recommended to the Committee on Taxation.

Which reports were Read and the Bill and accompanying papers Recommended to the Committee on Taxation in concurrence.

**Divided Report**

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Establishing a Fee-for-Service System for the Diagnostic Laboratory, Department of Health and Welfare." (H. P. 246) (L. D. 299)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-580).

Signed:

Senator:

BERRY of Androscoggin

**Representatives:**

HENNESSEY of West Bath  
 CURRAN of South Portland  
 SPROWL of Hope  
 LOVELL of Sanford  
 LAVERTY of Millinocket  
 LaAPOINTE of Portland  
 MORIN of Old Orchard Beach  
 KENNEDY of Gray  
 POST of Owl's Head  
 GOODWIN of South Berwick

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

Signed:

**Senators:**

HICHENS of York  
 GREBLEY of Waldo

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-580.)

Which reports were Read.

On motion by Mr. Berry of Androscoggin, 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.

**Senate  
 Divided Report**

The Majority of the Committee on Taxation on, Resolve, to Provide a Maine Homestead Property Tax Credit. (S. P. 406) (L. D. 1290)

Reported that the same Ought Not to Pass.

Signed:

**Senators:**

WYMAN of Washington  
 JACKSON of Cumberland  
 MERRILL of Cumberland

**Representatives:**

SUSI of Pittsfield  
 DRIGOTAS of Auburn  
 MAXWELL of Jay  
 IMMONEN of West Paris  
 MULKERN of Portland  
 FINEMORE of Bridgewater  
 TWITCHELL of Norway  
 MORTON of Farmington  
 DAM of Skowhegan

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (S. P. 554) (L. D. 1921)

Signed:

**Representative:**

COX of Brewer

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

Sent down for concurrence.

**Second Readers**

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

**House**

Bill, "An Act Relating to the Definition of Motor Vehicle Dealers." (H. P. 439) (L. D. 546)

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)

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

**House — As Amended**

Bill, "An Act Relating to Occupational Safety and Health in Public Employment." (H. P. 478) (L. D. 646)

Bill, "An Act Creating the Office of Dental Health." (H. P. 972) (L. D. 1234)

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

Bill, "An Act Concerning the Agency Collection Act." (H. P. 1258) (L. D. 1553)

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

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

Bill, "An Act to Incorporate the Woodlands Utility District." (H. P. 1509) (L. D. 1840)

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

Bill, "An Act Relating to Forester Registration and Licensing." (H. P. 1329) (L. D. 1412)

Which was Read a Second Time.

On motion by Mr. Huber of Cumberland, 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-266, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted.

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

Senate Amendment "A", Filing No. S-272, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

**Senate**

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

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

Sent down for concurrence.

**Senate — As Amended**

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

Bill, "An Act Creating the Maine Criminal Code." (S. P. 113) (L. D. 314)

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

Sent down for concurrence.

**Enactors**

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

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

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

**Indefinitely Postponed**

An Act to Provide Employment Security for State Legislators. (H. P. 1224) (L. D. 1535)

Comes from the House, Indefinitely Postponed.

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

Mr. CURTIS: Mr. President, I have here a copy of a letter from an Assistant

Attorney General confirming what many of us must know so well, and that is that, except for an approving constituency, there is no employment security for state legislators. The bill as written would be unconstitutional and, therefore, I move that the bill and all accompanying papers be indefinitely postponed.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Curtis, now moves that this bill be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

**Emergency**

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

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

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

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

Tabled — June 4, 1975 by Senator Huber of Cumberland.

Pending — Passage to be Engrossed.

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

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

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

Tabled — June 4, 1975 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

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

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

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

Mr. COLLINS: Mr. President, I am going to present an amendment and move its passage, and before going through the procedural mechanics to accomplish this, I would like to explain the nature of the amendment. The amendment has been placed on your desks by now under Filing No. S-278.

You may recall that when I discussed this matter the other day in the Senate I requested the views of other Senators concerning how far we ought to go in permitting the classified employees of the state to take an active part in partisan political activity. I reported that we had in a previous enactment earlier this session repealed our baby Hatch Act, so-called, so that the state employees were now eligible, if nothing else be done, to participate almost without restraint in political matters. In discussing this with a number of my colleagues, I found some sentiment for permitting some participation in political matters, and I therefore drafted a rather modest change, moving back toward what we repealed earlier, but only part way.

The first paragraph of the amendment is simply to repeat the amendment already

adopted in the House, and this was done for technical reasons only. The second underscored paragraph is the important item which is new. And this only says that the employee of the state may make contributions to a political party, organization or candidate, but shall not solicit any assessment, subscription or contribution from any person for any partisan political purpose. This means that state employees, of course, may be campaign workers, poll watchers, haulers of voters to the polls, distribute literature, attend meetings, but the line is drawn when it comes to their going out and soliciting money for other contributions of value from anyone. So this is the compromise, sort of, amendment that I propose to offer.

Now, with that explanation, I would then move that under suspension of the rules the Senate reconsider its action whereby Committee Amendment "A" to L. D. 1331 was adopted.

The PRESIDENT pro tem: The Senator from Knox, Senator Collins, moves that under suspension of the rules the Senate reconsider its action whereby Committee Amendment "A" was adopted. Is this the pleasure of the Senate?

The motion prevailed.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its former action whereby House Amendment "B" to Committee Amendment "A" was Adopted and, on subsequent motion by the same Senator, House Amendment "B" to Committee Amendment "A" was Indefinitely Postponed in non-concurrence.

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

Senate Amendment "A", Filing No. S-278, 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 in non-concurrence.

Sent down for concurrence.

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

House Reports — from the Committee on Public Utilities — Bill, "An Act to Allow Nonprofit Corporations to Operate Ferries on Casco Bay." (H. P. 1150) (L. D. 1444) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as amended by Committee Amendment "A" (H-586).

Tabled — June 5, 1975 by Senator Conley of Cumberland.

Pending — Acceptance of Either Report.

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

On motion by Mr. Conley of Cumberland, retabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

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

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

Tabled — June 5, 1975 by Senator Cummings of Penobscot.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-255), Adopted.)

Which was Passed to be Engrossed.  
Sent down for concurrence.

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

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

Tabled — June 5, 1975 by Senator Hichens of York.

Pending — Enactment.

(In the House — Passed to be Enacted.)

Mr. Hichens of York moved that under suspension of the rules the Senate reconsider its former action whereby the Bill was Passed to be Engrossed.

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

Mr. CONLEY: Mr. President, I would just request of the Senator from York as to why he wishes to have the rules suspended at this time.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Conley, addresses a question through the Chair which the Senator may answer if he so wishes.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: The Senator from Cumberland just beat me to the punch. I was going to explain the reasons after this had been taken care of.

There are two amendments to this bill. One I hope to have indefinitely postponed because it sets up a cost reimbursement program for these boarding homes under six which carries a huge appropriation, and I think if it was put on the table it would kill the whole bill. The second one is to reconsider our action whereby Committee Amendment "A" was accepted so that existing boarding homes may be protected from fire regulations which put a burden upon the homes. I hope that the good Senator from Cumberland will let this proceed along, and then if he objects to the motions on the amendments he may have that opportunity.

The PRESIDENT pro tem: Is it now the pleasure of the Senate to reconsider our action, under suspension of the rules, whereby this bill was passed to be engrossed?

The motion prevailed.

Whereupon, on motion by Mr. Hichens of York, and under suspension of the rules, the Senate voted to reconsider its former action whereby House Amendment "A" was Adopted and, on subsequent motion by the same Senator, House Amendment "A" was Indefinitely Postponed in non-concurrence.

On further motion by the same Senator, 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-271, 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 in non-concurrence.

Sent down for concurrence.

The President pro tem laid before the

Senate the sixth 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 5, 1975 by Senator Hichens of York.

Pending — Enactment.

(In the House — Passed to be Enacted.)

Mr. Hichens of York moved that under suspension of the rules the Senate reconsider its former action whereby the Bill was Passed to be Engrossed.

The PRESIDENT pro tem: The Senator has the floor.

Mr. HICHENS: Mr. President, this amendment which I hope to present is related to the Act relating to the transfer of offenders. There was a question asked of the Attorney General, and the Attorney General, through the good Senator from Knox, Senator Collins, pointed out the errors of the original bill as it had been brought up to the enactment stage, so we are presenting this amendment to correct that problem.

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

Mr. BERRY: Mr. President, if I may pose a question through the Chair — first of all, would a question on the amendment itself be in order at this time?

The PRESIDENT pro tem: It would be in order.

Mr. BERRY: Mr. President, I would pose a question through the Chair, and that being: under the wording of the amendment, a prisoner in execution of sentence in the state prison be transferred to the men's correctional center upon the joint recommendation of the warden of the state prison and superintendent of the men's correctional center, approved by the commissioner or his delegate, the director of corrections, when such transfer would be in the best interest of — the bill previously under amendment contained "the prisoner and in the best interest of the public." The word "prisoner" has been omitted, and my question would be that by omitting the words "prisoner and in the best interests of", would it put the bill in the position where if a prisoner was in Thomaston, for instance, and his life became threatened, where there would be no safety or security to the prison, would it stop them from transferring him perhaps to the men's correctional center for a short duration?

The PRESIDENT pro tem: The President from Androscoggin, Senator Berry, poses a question through the Chair to the Senator from York, who may answer if he chooses.

The Chair recognizes that Senator.

Mr. HICHENS: Mr. President and Members of the Senate: I cannot really answer that question personally. I do know that the House Chairman and myself met with Mr. Larouche and Attorney General Benoit and they, in turn, recommended this amendment.

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

Mr. BERRY: Mr. President, not knowing myself or through conversation with the Senator from York, Senator Hichens, if this particular question was posed to the Attorney General, would it be in order for a motion to table?

The PRESIDENT pro tem: The motion would be in order but not by the Senator who has debated the tabling motion.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Thereupon, on motion by Mr. Carbonneau of Androscoggin, tabled and Tomorrow Assigned, pending the motion by Mr. Hichens of York that the Senate reconsider Passage to be Engrossed.

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

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

Tabled — June 5, 1975 by Senator Berry of Androscoggin.

Pending — Enactment.

(In the House — Passed to be Enacted.)

Mr. Berry of Androscoggin moved that under suspension of the rules the Senate reconsider its former action whereby the Bill was Passed to be Engrossed.

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

Mr. CONLEY: Mr. President, I would pose a question through the Chair to the good Senator from Androscoggin, Senator Berry, as to the purpose of suspension of the rules.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Conley, poses a question through the Chair which the Senator may answer if he so chooses.

The Chair recognizes that Senator.

Mr. BERRY: Mr. President and Members of the Senate: The purpose for the motion is that the assistant majority leader had found a discrepancy in the bill and brought it to my attention. An amendment has been drawn up to remove the discrepancy and we would like to offer it at this time.

The PRESIDENT pro tem: Is it now the pleasure of the Senate that under suspension of the rules the Senate reconsider its action whereby the bill was passed to be engrossed?

The motion prevailed.

Mr. Berry of Androscoggin then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B" Filing No. S-276, was Read and 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 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 5, 1975 by Senator Corson of Somerset.

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

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

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

Mr. CORSON: Mr. President and Members of the Senate: I am prepared at this time to concede that under Joint Rule 21 House Amendment "B" to Committee Amendment "A" is out of order and would request a ruling from the Chair at this time.

The PRESIDENT pro tem: The Chair will agree that House Amendment "B" is out of order, under the provisions of Joint Rule 21, and will so rule.

Mr. Corson of Somerset then presented Senate Amendment "A" to Committee Amendment "A".

Senate Amendment "A", Filing No. S-270, to Committee Amendment "A" was Read.

Thereupon, on further motion by the same Senator, tabled for three legislative days in conformance with Joint Rule 21, pending Adoption.

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

Joint Order — Relative to recalling L. D. 1644 from Legislative Files. (S. P. 558)

Tabled — June 5, 1975 by Senator Speers of Kennebec.

Pending — Passage.

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

Mr. SPEERS: Mr. President and Members of the Senate: So that it will be very clear as to why this order is before us at this time, the bill itself was reported out of the Joint Standing Committee on Taxation under Rule 17-A, and it has been the desire of leadership that the bill be recalled from the files so that we could have it back before us, and it would be our intention at that time to place it on the table, to not do anything further with the bill until such time, and only if such time would arise, as anything further with the bill would be necessary. So I would urge the Senate to pass this order, and the bill, when it does come back, will be placed on the table.

The PRESIDENT pro tem: The pending motion is the passage of this joint order. Recalling an item from the legislative files requires a two-thirds vote of those present and voting, and the Chair will order a division. All those in favor of the joint order to recall Legislative Document 1644 will please stand and remain in place until counted.

A division was had. 22 having voted in the affirmative and eight having voted in the negative, the Joint Order received Passage.

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

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

Joint Order — Relative to Appropriations and Financial Affairs Committee to report out bill enabling Department of Mental Health and Corrections to fill staff vacancies. (H. P. 1674)

Tabled — June 5, 1975 by Senator Conley of Cumberland.

Pending — Passage.

(In the House — Read and Passed.)

Mr. Conley of Cumberland then moved the pending question.

Thereupon, the Joint Order received Passage in concurrence.

The President pro tem laid before the

Senate the eleventh tabled and Specially Assigned matter:

Joint Order — Relative to Joint Select Committee on Jobs make final report to the Legislature no later than Friday, June 13, 1975. (S. P. 555)

Tabled — June 5, 1975 by Senator Speers of Kennebec.

Pending — Passage.

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

Mr. SPEERS: Mr. President and Members of the Senate: I will be very brief in my statements regarding this joint order. I would simply like to reiterate what was mentioned yesterday, in that this joint order has been discussed and decided upon by all ten members of leadership, both houses, both parties, and it was the unanimous decision that this order represents the intentions of leadership at the time that the Committee on Jobs was created and that this order should be passed at this time.

Mr. President, I don't know what commitments may have been made in the last few hours regarding this order, but I would suggest that several months ago — several months ago — there were commitments made when this legislature organized and decided upon its leadership, and if this were a matter of substance it would be one point. But I do not feel that this is a matter of substance. It is a matter of the direction in which the unanimous decision of leadership has been made and would like to see the legislature travel. And it would seem to me that should the order not be passed at this time it would be a direct affront to the leadership of this body, to the leadership of the other body, and therefore is an affront which should not occur. And I would say in the strongest possible terms that this order should be passed at this time.

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

Mr. REEVES: Mr. President, I appreciate the sentiment of the majority floor leader, and I would like to state to the Senate that I have no wish to affront the leadership of the legislature, of the Senate or of the other body, but this is a matter which I feel very strongly about and I know a lot of people in this state feel very strongly about, and I am sorry that the matter has come up in such a way as to be with or against the leadership. I like to feel that I am with the leadership but that when the moment comes that I disagree, that I can disagree, and this is one of those moments.

The subject of the order before us is to abolish the Joint Select Committee on Jobs. This committee has been in existence approximately seven weeks. That is a very short life for any committee. This committee was formed by a joint order just as Maine's unemployment rate was skyrocketing. The order — which I have just asked one of the pages to distribute a copy of the original order — did not indicate any termination date for the committee, only that — and I quote from the last two lines of this order — that it make its first report — and I emphasize the word "first", because that was the word that was agreed on by leadership when this order was passed — to the regular session of the 107th no later than May 30th. Now, today is not May 30th, and the report is not ready, but I did go to leadership two weeks ago and they did agree for an extension. The report is in the process of being printed and will be ready



for distribution, as I mentioned yesterday, on Monday.

I might add here that it has always been the belief of the members of the committee that its first report would not be its last, and that the first report would have recommendations for further activities of the committee if the high rate of unemployment persisted. And that rate is, of course, higher now than when the committee started. It is nearly 12 percent. And if you add those who are underemployed, the real figure is closer to 32 percent of the people of this state.

The Jobs Committee went right to work, despite the conflict with the busy schedule of the other legislative committees, and to get good attendance we held four of our five public hearings at night, and we always had nine or ten of the twelve committee members. After a full day's work here of regular activities, the jobs hearings started at 7:00 p.m., and for those of you who attended any of them, they never ended earlier than half past ten or 11:00 o'clock, when the last person who wanted to testify got his chance to testify. We heard everyone. We had witnesses from Portland, Sanford, Fort Kent, Bangor, Kezar Falls, from Boston and Washington, D. C., from Dexter, from Bath, from Fryeburg, all over Maine. We had witnesses from the Department of Health and Welfare, Department of Transportation, Manpower Affairs. We had local welfare officers, and we even got the Regional Manpower Administrator from the Department of Labor. We had the President of the AFL-CIO, we had directors of the Associated Industries of Maine, of the Economic Resources Council of Maine, the Bath Iron Works, and even Bowdoin College.

Our report, as I mentioned yesterday, identifies program areas where we believe more than 8,100 new jobs might be created in the next year. This is spelled out in the report in considerable detail.

The emphasis of the report is to put unemployed people to work by using the \$8,000 which the government now spends for unemployment compensation, food stamps and bureaucrats, and use that same \$8,000 to put people to work.

We think that this program can work, despite the legal and bureaucratic complications to be overcome to get it started. And enough unemployed people came and told us that they wanted to work, and not stand in line for an unemployment check.

Also, the report proposes to establish new priorities for public service jobs based on community projects rather than the current practice of civil service slots. It lists several ideas sent to us by citizens in the mail for such community projects. Here are some of the ideas: to build industrial development parks; to provide homemaker services to old people who might otherwise be institutionalized; to do highway construction and maintenance; to work in conjunction with the possible Amtrak route, if that should come; to do home winterization for the elderly and low income homes; to build sewer-water utility line construction; home construction through the Farmers Home Administration, as this is done in other states for the elderly; to begin some projects for artists and writers; to work on park and recreation areas — and this list goes on; it is in the report.

Overall, the report makes eight major recommendations for immediate action to

reorganize the present public service jobs program and to create new programs. In addition, it proposes five new areas for the committee to study further for job creation in order to present legislation to the special session, including various incentive plans for industry to create jobs.

Frankly, in the seven weeks we didn't have the time to do all we wanted, despite several work sessions and the evening hearings. Unemployment is Maine's No. 1 problem. There are still more than 55,000 workers unemployed today. Our unemployment fund is nearly exhausted and the state must soon borrow from the federal government to keep up benefits. These benefits now amount to nearly 2 million dollars each week — that is each week — so how can we abolish the Jobs Committee? We are just getting started, as you will see from the report. We are in touch with people all over the state who say that they are glad to see the legislature finally get involved in this problem to emphasize jobs.

Mr. President, this is not a good time to abolish the Committee on Jobs. Our report will be ready Monday, but already the draft copies which we have circulated are stirring some action. Moreover, other states, including Massachusetts, are now forming their own legislative committee on jobs and unemployment, so we have been in the lead.

Last weekend at an AFL-CIO conference, organized labor criticized the governor and the legislature for not pulling together to put Maine people to work. Our report proposes just such a plan to work together. But if we return to the fragmented approach of the past, then there will be no real gain for anyone, including those unemployed now or those coming on the unemployment lines during the next few years.

The Jobs Committee, as you can tell from my own attitude, is very enthusiastic about its work. The public wants something done, and if the Senate is willing today to make a commitment of its support, defeat this order to abolish the committee, and then to work together with our congressional delegation and the executive branch, we can show the people of Maine that jobs are a No. 1 priority.

At the weekend's labor conference, the labor leaders included those from the large paper company plants, the public employee unions, the shipbuilders, and others. They said they wanted the government to act. Is our answer to be to abolish the Jobs Committee that has devoted all of its efforts to jobs?

Mr. President, I have no wish to challenge leadership, and I really regret that the vote on this order has been cast in that light. I would like people to vote on this issue not on the basis of any commitment that they have made to me. I know from reading the paper that I am a very ineffective lobbyist for legislation, but I think that this has a lot of merit, and I think that we all should regard jobs as something that concerns all of the people in our districts, because one report I saw showed that 15 percent of the people now working are afraid they are going to be unemployed in the next year. So I don't think this is a leadership-rank and file question; I think this is a question of whether or not the legislature has a commitment to work on the jobs problem.

So I will leave it at that, and I ask for a roll call on this. Thank you.

The PRESIDENT pro tem: The Senator

from Kennebec, Senator Reeves, requests a roll call. In order for the Chair to order a roll call, it requires the consent of one-fifth of those present and voting. Will all those Senators in favor of a roll call please rise and remain in your places until counted.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I dislike very much to stand here this morning in opposition to the good Senator from Kennebec, Senator Reeves, but I believe if the good Senator looked back into the early spring when this order was passed, that no one worked harder for the good Senator from Kennebec, Senator Reeves, with the presiding officers of both houses to implement this Committee on Jobs.

I think yesterday the majority floor leader and myself extended to the Senator from Kennebec, Senator Reeves, and his committee appreciation for the fine and outstanding job they have performed over the last several months. But I believe also that the order on the Joint Select Committee on Jobs is really quite an unusual order, primarily because we do have the joint standing committees that have always been a part of the legislature, and the fact that we established this one was for the sole purpose, primarily for that purpose, to try to work not only to seek out information relative to the problems of unemployment but to coordinate their efforts also along the same line of thinking relative to the filling of the CETA program which we have shown our deepest interest in.

The order which we passed in March, if one would care to examine it — as the good Senator from Kennebec, Senator Reeves, was kind enough to have distributed in the Senate this morning — you will find that it shows no termination date whatsoever.

Secondly, there is obviously compensation that is going to have to be made to the Joint Select Committee on Jobs whenever they should meet. There is no control as to the financial expenses relative to this order, and it could go from now to the termination of the special session or two special sessions, whatever it has, of the 107th Legislature.

Leadership has taken the position that we felt Senator Reeves and his committee have done a good job. We would like to accept the report that was scheduled for the latter part of last month, May 30th, and as the good Senator has promised will be on our desks sometime next week, and we would like to take those recommendations and forward them to the Joint Standing Committee on Labor through the Legislative Council, and then try to implement some of the recommendations that the Jobs Committee has forwarded to us.

I would ask the members of the Senate to join the good Senator from Kennebec, Senator Speers, and myself so that we can maintain some type of control on the actions of some or all committees that are established by the legislature. The fact is that we were so deeply concerned back in March as to the problem of jobs that no one really closely looked at the wording of the proposed order at that time, and obviously today we find that there are serious problems with it. Therefore, we feel that it has to be terminated so that there can be some control relative to the entire subject.

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

Mr. PRAY: Mr. President and Members of the Senate: In sitting here listening to the remarks of the good Senator from Kennebec, Senator Speers, yesterday, I find myself troubled with a few statements that were made, so I feel as if I should rise.

I have heard this called an unusual order that we passed back here last March, but I find our times are unusual times and our unemployment rate is at an unusual high, and this bothers me.

The committee on one occasion came to our Committee on Labor, of which I am a member, and attempted to talk with us about some of the problems they have. I think because we are at an unusual rate of unemployment that this committee is important at this time, which brings me to the second point, the question of compensation in this period. If our problem of unemployment and underemployment is so bad, I don't think that the state should start concerning itself with the financing of this committee, if we can help these people of this state, especially those people of the state that need the help.

A question has been raised about the length of time of existence of this Joint Select Committee. The order that we have before us on the calendar today would terminate this committee, and at any time in the special session the termination can also take place.

So I think, in light of those two arguments as to compensation and the length of time that this thing should exist, we have a check on it. And we do have a sense of priority as to what is important: the people that are unemployed at this time, the people that need help or aid, or should we, because leadership feels it is time to terminate it, should we fall into step and terminate it?

I sat here and looked at the order as it passed, and I am troubled by the last two lines where it is ordered that the committee should make its first report to the regular session. To me, it would seem as if it might have following reports. It doesn't say "make its report", but "its first report".

The alternative that has been given is that we will turn the study over to the Labor Committee. As I have stated, I am on that Labor Committee, and I feel that if you turn this over to the Labor Committee, you are setting the Committee on Jobs back the two months that it has worked, because the Labor Committee is going to have to start from scratch. The only member of the Labor Committee that I know of off-hand that is on the Committee on Jobs is the Chairman of that Labor Committee, and from talking with him at one time not too long ago, he told me that he had never been able to attend any of the sessions. So we would have no individual on the Labor Committee that would have any idea as to the steps and actions that have been taken, except for the report, and we would then be starting all over again. And of course, the Labor Committee meeting throughout the summer to study the problem would also have to be compensated, so the funding is going to be there anyway, no matter who takes it.

I would think it would be in the best interests of the people of this state, particularly those unemployed and underemployed, that this select committee continue, and I would hope that each member of this body could see it in the

same light as those people who are out there and say they do want jobs, that they do want help, and at this time we will continue the Committee on Jobs. Thank you.

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

Mr. SPEERS: Mr. President and Members of the Senate: I resent in the most emphatic terms the attempt that is being made here this afternoon to give the appearance that this body is not concerned about the unemployment situation in the State of Maine. The order that is before us very clearly states that the recommendations of this Joint Select Committee are to be turned over to the Joint Standing Committee on Labor for further implementation, and I resent the appearance that anything is going to be done differently.

Now, this body has demonstrated in any number of ways its concern with the unemployment situation in the State of Maine, and it is demonstrating by this joint order that is before us at this moment its concern about the unemployment situation in the State of Maine. We have a question of procedure on how that situation is to be addressed, and I would simply point out that the committee that was created was a select committee, which is a committee which is created for a limited period of time for a limited purpose, and that this legislature has by statute continuing joint standing committees, and by statute these committees are authorized and directed to continue their work during the interim. It is one of those items that many of us fought so very hard to have passed in the last session of the legislature through legislative reform. And the Joint Standing Committee on Labor is a perfectly adequate, responsible committee to undertake the recommendations that the Committee on Jobs has done an excellent job in coming up with, many of which, if not all, we have heard here this afternoon.

So the issue is not whether or not this body is going to turn its back on the problems of unemployment in this state, and I am sure that every member of this body knows that that is not the issue, and I feel it irresponsible to imply or to attempt to give the appearance that that is indeed the issue. The issue that we have before us is the manner in which that job is going to be undertaken, and I would urge the passage of this order.

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

Mr. REEVES: Mr. President, this will be brief. As you can tell, I am quite desperate to defeat this order, and I am not going to pretend I am not. I am desperate to defeat the order, and I will tell you why. My background is all in jobs. I spent three years as a staff member on the President's Committee on Manpower. I have developed several manpower programs throughout the country, and particularly in the south and here in Maine. Here in Maine I wrote and designed the Senior Service Corps, the Rural Youth Corps, the Concentrated Employment Program, and the Project Fuel. I just think jobs are everything. I think they are more important than a defective order, such as the minority floor leader has pointed out to us.

I am really reluctant to do this, but I prepared for such an emergency thirty draft copies of the report. Now, we have worked on it considerably since these draft

copies, and I don't want anyone to feel that these drafts that I am just handing out now are in fact the final report. They are not. But I thought, to try to pull this one out of the fire before I go down under, I just thought you might like to see it, at least have it in front of you and see that there was an awful lot of work that went into it.

As far as the Joint Standing Committee on Labor is concerned, I have worked closely with many members of the Joint Standing Committee on Labor, and this committee is a good committee. It is involved in a lot of different bills and programs, some of which are related to these and some of which aren't. But I think to show the commitment of the legislature, of the Senate, I think to abolish the Committee on Jobs before it really gets started, it doesn't make sense to me. So I really do urge you to defeat this motion, or if you don't feel that you have got enough time to look at this, if somebody would table it until the final report comes out next week, that would be O.K. with me too. Thank you.

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

Mr. PRAY: Mr. President, there is just one last remark I would like to make as to the implications which the good Senator from Kennebec, the majority leader, made regarding the fact that implications were being made that perhaps the Senate wasn't concerned about the situation. I am sure that Senator Reeves and myself had no intention of making any such remarks that led toward that direction.

But as I look at the two orders before me in regard to the statement made as to the fact that it is going to go to the Committee on Labor, I see nothing on the one dated March 24 implying that it was going to go to the Committee on Labor. Of course, it is understandable that somewhere between then and June 5, when this order came out, that leadership or perhaps the sponsor of that order decided that it should go to the Committee on Labor, and I do wonder whether perhaps from the beginning if that was the intention or not. That seems to be the idea that I get from what the Senator from Kennebec, Senator Speers, is trying to give to us, that from the beginning it was planned that it would go to the Committee on Labor. If that is so, then I think it was poor direction of leadership to not involve the Labor Committee more from the beginning on this select committee.

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

Mr. CYR: Mr. President, I move that this be tabled until next Tuesday.

The PRESIDENT pro tem: The Senator from Aroostook, Senator Cyr, moves that this matter be laid on the table until Tuesday next. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT pro tem: A division is requested. Will all those in favor of tabling this matter until Tuesday next please stand in your places until counted.

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

The PRESIDENT pro tem: The pending question is the passage of the Joint Order.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President, I



would like to pose a question to the Chair. Assuming this order passes today, and further assuming that we get the report Monday, would the leadership be able to reappoint the committee or reconvene the committee if it was found necessary?

The PRESIDENT pro tem: The Senator from Androscoggin, Senator Carbonneau, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I want to assure the members of this body that the leadership is fully cognizant of the problem of unemployment in the State of Maine and is very well aware that it is able to create and appoint to various committees individuals who can deal with these problems, and if there is an additional need for an additional committee to undertake these problems, then the leadership, I am sure, can make the commitment to make sure that the problems are dealt with. But it is our feeling, and it has been our feeling right along very strongly, the unanimous feeling of both parties in both houses, that the recommendations should be referred to the Standing Committee on Labor for implementation, the recommendations of the Select Committee on Jobs. And it is not a diminution of the problems or in any way the feeling of the leadership that these are not serious problems. It is a procedural matter as to how these are going to be handled.

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

Mr. GRAHAM: Mr. President and Members of the Senate: In my opinion, it would be a great mistake to abolish this Committee on Jobs now. Senator Reeves is an expert on manpower management. He has had experience in federal, state and local manpower affairs. We should let him complete this investigation and issue his final report, not his first preliminary report. So I would greatly deplore the ending of this committee, and I ask you what kind of a headline is that going to make, "Unemployment mounts, and the Legislature abolishes its Jobs Committee."

The PRESIDENT pro tem: The pending question is the passage of the joint order.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I would like to know what makes it so imperative that we should pass this today. And the distinction the majority leader made about the select committee and standing committee, why didn't they make that distinction before they appointed this committee? I think we should at least wait until we get the report before we fire them.

The PRESIDENT pro tem: The pending question is the passage of the joint order. A roll call has been ordered.

The Chair recognizes the Senator from Aroostook, Senator Johnston.

Mr. JOHNSTON: Mr. President, I request leave to pair my vote with the Senator from Aroostook, Senator Gahagan. I will be voting for the joint order, and if Senator Gahagan were here, he would be voting against it.

The PRESIDENT pro tem: The Senator from Aroostook, Senator Johnston, asks leave to pair his vote with the Senator from Aroostook, Senator Gahagan. Were Senator Gahagan here, the Senator would

be voting against the joint order, and the Senator from Aroostook, Senator Johnston, would be voting for the joint order. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would ask the good Senator from Aroostook, Senator Johnston, whether or not he in fact has the right joint order that the Senator asked him to pair on.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Speers, addresses a question through the Chair to the Senator from Aroostook, Senator Johnston, who may answer if he chooses.

The Chair recognizes that Senator.

Mr. JOHNSTON: Mr. President, yes, I do. I posed the same question to the Senator from Aroostook because I had the same feeling that the majority floor leader has.

The PRESIDENT pro tem: Is it the pleasure of the Senate that this leave be granted?

It is so ordered.

The pending question is the passage of the joint order, and the Secretary will call the roll. A vote "Yes" is for passage; a vote "No" is against passage.

#### ROLLCALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Collins, Conley, Corson, Cummings, Curtis, Graffam, Greeley, Huber, Jackson, Katz, McNally, Speers, Thomas, Sewall.

NAYS: Senators Clifford, Cyr, Graham, Hichens, Merrill, O'Leary, Pray, Reeves, Roberts, Trotzky.

ABSENT: Senators Danton, Marcotte, Wyman.

A roll call was had. 18 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with two Senators having paired their votes and three being absent, the Joint Order received Passage.

Sent down for concurrence.

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

House Reports — from the Committee on Business Legislation — 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) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — June 5, 1975 by Senator Johnston of Aroostook.

Pending — Motion of Senator Thomas of Kennebec to Accept the Minority Ought to Pass Report.

(In the House — Passed to be Engrossed.)

On motion by Mr. Thomas of Kennebec, retabled and Tomorrow Assigned, pending the motion by that same Senator that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

House Reports — from the Committee on Business Legislation — 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) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — June 5, 1975 by Senator Johnston of Aroostook.

Pending — Motion of Senator Thomas of Kennebec to Accept the Minority Ought to Pass Report.

(In the House — Passed to be Engrossed.)

On motion by Mr. Thomas of Kennebec, retabled and Tomorrow Assigned, pending the motion by that same Senator that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

House Reports — from the Committee on State Government — 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 "A" — Ought to Pass as amended by Committee Amendment "A" (H-583); Report "B" — Ought to Pass as amended by Committee Amendment "B" (H-584); Report "C" — Ought to Pass as amended by Committee Amendment "C" (H-585); Report "D" — Ought Not to Pass.

Tabled — June 5, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Any Report. (In the House — Report "A" Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-583).)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of Any Report.

#### Reconsidered Matter

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

Mr. SPEERS: Mr. President, directing the Senate's attention to Item No. 11, (S. P. 555), having voted on the prevailing side, I now move the Senate reconsider its action and urge the Senate to vote against the motion.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Speers, moves that the Senate reconsider its action whereby it passed Joint Order Relative to Joint Select Committee on Jobs. All those in favor of reconsideration will say "Yes"; all those opposed "No".

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

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

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

Tabled — June 5, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Corson of Somerset to Indefinitely Postpone Bill and Accompanying Papers.

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

(In the Senate — Committee Amendment "A" (H-369) Adopted; subsequently Adoption of Committee Amendment "A" was reconsidered and Senate Amendment "B" (S-273) to Committee Amendment "A" was Adopted.)

Mr. McNally of Hancock then moved that the Bill be Recommended to the Committee on Fisheries and Wildlife.

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

Mr. PRAY: Mr. President and Members of the Senate: I sat here yesterday

throughout the discussion of this bill and listened to the good Senator from Cumberland spout a number of unintelligible absurd remarks about the committee amendment, which I took a little bit personally, but in light of where the remarks came from it is understandable.

On this committee amendment, which perhaps I more than any other member on the committee spent time on, countless nights, I came up with what I thought to myself was a fair and just consideration to all parties concerned, and I see the attempt of recommitting it back to committee as an attempt to save it so whereas the department will have operating revenues, again, an example of where pressure has been applied in saying, you know, take it back and bring something else better to offer us.

I don't know where the minority leader got all of his facts, figures and concerns about the department and some of the accusations which he made yesterday leading to the contention that in fact the department mishandles or at least inefficiently handles its funding, but the committee, as I stated, spent six weeks working on this bill. We held all the bills that were passed in the committee relating to fees. We went through the budget line by line. They asked for a \$1.3 million increase, the committee cut over \$300,000 out of that request, and from that fact we computed these fees to meet the needs of the department as the committee saw it, not as the department saw it. So the remarks that were made yesterday that perhaps the department tells the committee what it wants and the committee goes along with it are absurd. I feel at this time that to recommit this to committee is only giving in to that pressure that is being applied similar to pressures that we succumbed to yesterday on an amendment to this committee amendment. For that reason, I am going to vote against recommitting it, and I would ask for a division.

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

Mr. CONLEY: Mr. President and Members of the Senate: I notice that that present motion before the Senate is to recommit this bill back to the Committee on Fisheries and Wildlife in concurrence. I think perhaps it might be more apropos if we committed it to the Legislative Council.

It is unfortunate that it was late in the afternoon yesterday when we considered the proposed fish and game fees' increases because we were given the very articulate defense of the need for a fee increase by the good majority floor leader. I sincerely hope that he will not forget his fine explanation of the rising cost of government should we need to pass a general tax increase in the halls of the legislature, and that is what we are talking about here with this bill, a tax increase for the people of Maine who happen to enjoy fishing and hunting, and to think that we almost passed this increase under the hammer without alerting our citizens to what was happening. If we were to consider an increase in the income tax of even 15 percent, I think there would be considerable debate in this chamber, and that is exactly what we are doing, at a very minimum to all our families who enjoy the out-of-doors.

The most recent information which I could obtain this morning shows that the median family income in Maine is

approximately \$8,205. That family with two children would be paying a Maine income tax of about \$34. Let's suppose that this average family was one in which both children were over ten years old and all the family members liked to fish; with this legislation, we are doing the equivalent of raising their income tax by almost fifteen percent. Suppose the children are in high school and over sixteen years of age; we have done just the same thing, and this bill is raising their income tax by almost twenty-five percent. Now let's suppose that this family happens to be an outdoor family in which everyone enjoys hunting as well; with this bill we might as well be raising their income tax by thirty-five percent.

The point I am making obviously is that we have to be very careful with regressive fees. Let's suppose the family had somehow saved up to buy a camper-trailer, because this is the only way they can enjoy an economical outdoor vacation. Under this same regressive fee type structure which is being considered by the Transportation Committee, the fee for this trailer will be doubled from \$5 to \$10, as proposed by the chief executive. We are now talking about the same increased fees as this family would pay in additional taxes if their income tax went up by 50 percent. If this family happened to have a pickup with a camper on the back instead of a towed camper, we would be aware of legislation in the Transportation Committee which would be adding \$10 to the registration. We might just as well be increasing the income tax for this average Maine family, which just happens to enjoy the out-of-doors, by 65 percent. If we want to discourage poor Maine citizens from enjoying our outdoor sports, then I suggest that this legislation is a big step in that direction.

In order to avoid tax increases, if at all possible, our Appropriations Committee has gone over the general budget very carefully. I know that the Committee on Fisheries and Wildlife has given attention to the department budget and fees, and all of us give this committee our support when the members are able to agree on issues concerning fish and wildlife management. I cannot, however, support the fee increases proposed in this bill as it now stands.

The PRESIDENT pro tem: The Chair will interrupt debate to request the Sergeant-at-Arms to escort the President of the Senate to the rostrum to assume his duties.

Thereupon, President Sewall returned to the rostrum and assumed his duties as President of the Senate and the Sergeant-at-Arms escorted Senator Katz to his seat on the floor of the Chamber, amid the applause of the Members of the Senate.

The PRESIDENT: The Chair wants to thank the Senator from Kennebec, Senator Katz, for a fine job.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to the good Senator from Cumberland, Senator Conley. I would like to ask the good Senator Conley if in leadership he was not one of the individuals who voted to bring back L. D. 1644, which has a 500 percent tax increase in the occupancy tax for persons staying in hotels or rooming houses?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to the Senator

from Cumberland, Senator Conley, who may answer if he so desires.

Is the Senate ready for the question? The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: I am not sure how desperately hurting for funds this Department of Fish and Game is, but I think before I can support an increase of this magnitude in the fees, considering the fact that the area I represent is not a particularly wealthy area, and in a great many cases hunting and fishing is the only recreation available to the people I represent, I think they are entitled to know what they are getting for their fees. And I am wondering how much money is being thrown away by this department on ridiculous studies such as the Vilkitis study, which was done just a few years back and of which I just became aware about three or four months ago. I would like to tell you about this study as I think it is rather interesting.

Mr. Vilkitis from Idaho was hired September, 1970 for the purpose of poaching deer and moose in Maine. Nobody knew the project was going on except the Commissioner, the Deputy Commissioner, the Chief and the Assistant Chief of the Game Division.

Mr. Vilkitis was furnished with an International Scout, a snowmobile, a radio and other equipment, and turned loose to test the game wardens. He started off by night hunting in the fall. He frequented the beer halls to get acquainted with what he felt would be the "professional poachers". He went out poaching at night with any of these that would accept him for a trip or two, but towards the end of the fall he was so careless in his operations that the other poachers would not accept him any more. You see, the whole point, the whole project depended on his being apprehended at some time or other so that his record of apprehensions compared to his illegal acts could be compared with the Wardens Division's record of apprehensions versus complaints; thereby creating a formula for figuring total amounts of the different types of poaching statewide. It was hoped to learn how many deer were killed illegally each year.

I doubt if anyone is going to ever learn exactly how many deer and moose were shot during this so-called study. The Fish and Game Department claims 14 to 17 deer and one or two moose were. The rest of Vilkitis' kills were supposedly just simulated, but they were spread out pretty well all over the state. He hung his deer up in an open shed in full view from a tarred road in Washington County, where his headquarters was. He carried a rifle loaded in his vehicle or on his snowmobile at all times. He left his Scout in the plowed road in the winter and went into the deer yards and shot deer and dragged them out over the snowbanks instead of carrying them over. He sprayed the snowbanks with blood in trying to draw attention. He was trying to get caught but he never did. No game warden ever even questioned him.

This study didn't amount to too much. It didn't make anyone look too good either, neither the warden force nor the administrators that instigated it. And I wonder how much money was spent on this project and possibly how much money is being spent on other such worthwhile projects. I don't think you will find it terribly easy to obtain a copy; I don't think it was ever published. I have a copy of a draft here. I would like to read the first

paragraph here. This is to the Game Division personnel from the head of the Game Division. "We have received clearance to distribute copies of the enclosed report to Game Division personnel. The information in this report will be officially reviewed with warden supervisors and advisory council members by administrative personnel and released to the press and public at a later date. Therefore, you should use discretion in discussing the contents of the report with anyone else to avoid unnecessary controversy."

It is a rather interesting report and I would be glad to let anyone read it who cares to. It has all sorts of interesting formulas; those of you who have studied a little mathematics or statistics will find them quite intriguing. The unfortunate thing is that the formula I equals MC over R, which was going to be used in this study, "I" standing for the total number of illegal kills or night hunting violations, and "M" means the total detected closed season kills or night hunting violations, and the "C" represents the time span, and the total simulations reported or, in other words, caught, is the "R". Since R is the number by which everything is to be divided, and "R" turned up to be zero, the whole formula was inoperative.

I think the people in my area who buy hunting and fishing licenses and feel that they are contributing to the hiring of good biologists and good wardens to help them preserve their sport deserve a little bit better for their money than this type of action. If anything, this department should be looked into an investigated, and let's find out what they are doing with their money. And I would submit that possibly we should commit this to the Committee on Performance Audit.

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

**MR. CONLEY:** Mr. President and Members of the Senate: It is not unusual for me to get up and take a crack at the budget from Fisheries and Wildlife. In fact, back in 1971 was perhaps the first start of the parade for that department. At that time junior licenses went from one dollar to \$2.50 when a resident license went from \$4.00 to \$6.50, and at that time I raised objections, strong objections, because once again they were putting a very strong financial handicap on many of our Maine citizens who cannot afford these rapid increases that just come about at the whim of the Commissioner of Fish and Game.

We have heard an awful lot about bureaucracy in this session of the legislature, but I would like to be sitting on the Fish and Game Committee allowing the Commissioner or one of his deputies to come before that committee and practically put a blank check before them telling them what he would like to have but that he would settle for such and such. To me there is absolutely no accountability. Year after year, session after session, the Committee on Fish and Game reports out these astronomical increases which generally are accepted. In fact, things got so bad in the other body that we have a report before us to recommit the bill.

I am going to support the motion of the good Senator from Hancock, Senator McNally, and I would suggest that he and his committee and the Commissioner of Fish and Game take a real hard look and wake up to the times and recognize how difficult it is for Maine citizens to try to participate in the enjoyment of life and the

pursuit of happiness in the Maine woods and Maine streams, and to cut down on these exorbitant increases for these particular licenses.

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

**MR. PRAY:** Mr. President and Members of the Senate: In these past sessions of the legislature which the increases have come to lately there are many reasons for the increases. I am not going to go into the inflational things, but some of the things that this chamber along with the other chamber have passed which are causing additional expense in the last few years are such things as environmental laws, site location laws, BEP laws, and many other pieces of legislation that have gone through under other departments, and the responsibility for the enforcement of those laws has been placed under the Fish and Game Department.

I perhaps would agree with a lot of the statements made by both Senator Corson and Senator Conley. I think any member on the committee, if you talk to them, if anybody on that committee gave a hard time to the commissioner and the deputy commissioner in asking them about airplane flights into certain lakes during certain months of the year, it was I that kept bringing them up. It was I who on my own time on weekends went around my district and outside of my district and talked to a lot of game wardens, and got a lot of opinions and viewpoints from a lot of people that were concerned about perhaps the inefficient spending of money. I raised these questions and I raised these points in going through the budget line by line. It was I who kept calling up the department, kept going over the figures, kept asking what this \$15,000 and this \$40,000 were for, and when those were removed from the budget or those were removed from the committee report why they stayed in the budget.

Perhaps the statement made by the Senator from Somerset, Senator Corson, is right, perhaps the department should go under a study. I see nothing wrong with that, because I have many questions about the department myself and I have tried to dig into them.

As I have stated, taking into consideration the aspects of the budget as presented, there was no compromise by the committee. The department did not come in with a blank check saying this is what we want and then telling us what they would settle for. As a matter of fact, it was the work of several of us on that committee, quite detailed work of digging into a lot of facts and figures and spending a lot of time on our own, not in connection with the department, to investigate a lot of the figures. We held all the bills that dealt with license increases. We had on the table here a bill relating to one particular sport, pheasant hunting, a program which doesn't go throughout the state — it is very good for the people in the southern part of the state, but all the sportsmen pay for it.

Perhaps as to the question I have heard a number of times that, you know, to hell with dedicated revenues, we ought to have everything out of the general fund, but no one ever comes back in here and puts in a bill to put them under the general fund. I myself just being down here, learning what dedicated revenues are and everything in the earlier part of the session, getting my feet on the ground, I did not think of it, but I think at this time it should go under the general fund and make

the department more responsible in reporting it.

But I think the committee itself put a lot of damn hard work into this committee amendment and we came up with what we, the members of the committee, the members of the legislature, the members representing our people, those taxpayers, feel those people have to pay for that particular enjoyment, that particular privilege to enjoy one of the resources of Maine, our wildlife and our fish. Sometimes I wonder, in listening to some of the comments made by some of the individuals on the opposing side of this amendment, if perhaps it wouldn't better please them if we had a bill in to repeal chapters 301 to 334 of Title 12.

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

**MR. CORSON:** Mr. President and Members of the Senate: I would like to concur with at least one statement made by the good Senator from Penobscot, Senator Pray. I realize that the environmental legislation we have passed has placed an unfair burden upon many of the good men and women in the field in this department. I know the biologists are overworked; and I think they deserve assistance and relief. And I am sure the people that I represent are more than willing to pay increased fees, if it is necessary and if they are getting what they are paying for. I don't feel that they are.

In 1973-74, according to figures from the Fish and Game Department, \$140,307.46 was spent on research, survey and inventory, which is the same sort of thing as this report which I mentioned earlier. They also spent \$363,876.80 on development projects, which also include a few of these interesting items. I just feel that we should know where our money is going; let's not throw it away on projects of this nature. Let's get things aligned in the department and then see what they really need for money, and give them what they really need to do the job they are supposed to be doing for the people of the State of Maine. I am at this time perfectly willing to see this go back to the Committee on Fisheries and Wildlife to see if they might not want to look at it from another angle.

**THE PRESIDENT:** Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Hancock, Senator McNally, that L. D. 566 be recommitted to the Committee on Fisheries and Wildlife.

The Chair will order a division. All those Senators in favor of recommitting this bill to the committee will please rise in their places until counted.

A division was had. 20 having voted in the affirmative, and four having voted in the negative, the Bill was Recommitted to the Committee on Fisheries and Wildlife in concurrence.

#### Reconsidered Matter

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

**MR. SPEERS:** Is the Senate in possession of Bill, "An Act to Equalize the Offset of Workmen's Compensation Benefits Against Certain Retirement and Social Security Benefits" (H. P. 1456) (L. D. 1721)?

**THE PRESIDENT:** The Chair would answer the Senator from Kennebec in the affirmative.

Thereupon, on motion by Mr. Huber of Cumberland, and under suspension of the

rules, the Senate voted to reconsider its former action whereby the Bill was Enacted.

On further motion by the same Senator, placed on the Special Appropriations Table.

**Papers from the House**

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

**House Papers**

Bill, "An Act to Amend the Definition of School Bus to Include School Buses Rented from School Administrative Units by Non-profit Organizations in Order to Transport Children." (H. P. 1666) (L. D. 1919)

Bill, "An Act Relating to Funding of Richmond Schools for 1975." (H. P. 1667) (L. D. 1920)

Come from the House referred to the Committee on Education and Ordered Printed.

On motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending reference.

On motion by Mrs. Cummings of Penobscot, Adjourned until Monday, June 9, 1975 at 10 o'clock in the morning.