

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

Monday, June 9, 1975

Senate called to order by the President.
Prayer by The Honorable Charles P. Pray of Millinocket:

Let us pray. In these few remaining days of this session, let us all have patience and understanding and hope that our actions will be with the wisest of wisdoms. Amen.

Reading of the Journal of Friday, June 6, 1975.

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

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

In the Senate May 30, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-527), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "B" (H-675) Thereto, in non-concurrence.

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

(See action later in today's session.)

Non-concurrent Matter

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

In the Senate June 3, 1975 Passed to be Engrossed as Amended by House Amendment "A" (H-443) and Senate Amendment "A" (S-257), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" and Senate Amendment "A" as Amended by House Amendment "A" (H-646) Thereto, in non-concurrence.

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

Non-concurrent Matter

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

In the House June 4, 1975, the Minority report Read and Accepted and the Resolve Passed to be Engrossed as Amended by Committee Amendment "A" (H-631).

In the Senate June 5, 1975, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

On motion by Mrs. Cummings of Penobscot, the Senate voted to Insist and Join in a Committee of Conference.

Non-concurrent Matter

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

In the House June 2, 1975, Passed to be Engrossed as Amended by House Amendment "A" (H-611).

In the Senate June 4, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-563), in non-concurrence.

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

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

Non-concurrent Matter

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

In the House June 2, 1975, Passed to be Engrossed as Amended by House Amendments "B" (H-528), "C" (H-541) and "D" (H-619).

In the Senate June 4, 1975, Passed to be Engrossed as Amended by House Amendments "B" (H-528) and "C" (H-541), in non-concurrence.

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

Mr. Collins of Knox then moved that the Senate Adhere.

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Collins of Knox that the Senate Adhere.

Joint Order

WHEREAS, legislation has been proposed to phase out the present form of county government and to transfer its functions to other government units; and

WHEREAS, this proposed legislation has raised the issues of proper role and authority, if any, of county government in this State, the functions and duties that might properly be performed by an intermediate level of government, the organizational structure that might be required, the compensation, methods of selection and terms of officials, the authority of the State and method of exercising it, the relationship between any intermediate level of government and municipalities and unorganized townships, and the role and authority of regional or special purpose units of government; and

WHEREAS, the Legislature feels that these matters are deserving of additional study; now, therefore, be it

ORDERED, the Senate concurring, that a Joint Select Committee on County Government be established, consisting of the Senators and Representatives appointed to the Joint Standing Committee on Local and County Government and the sponsor and cosponsors of H. P. 1445, L. D. 1819, as introduced at the regular session of the 107th Legislature; and be it further

ORDERED, that the Legislative Council be authorized, through the Joint Select Committee on County Government, to study the proper role and authority, if any, of county government in this State, such study to include:

1. The role and authority of county government in this State, if any;

2. The functions and duties that might properly be performed by an intermediate level of government, either through county government or multi-purpose units of government serving defined regional areas of the State;

3. The organizational structure that is required for proper and efficient county government or other multi-purpose regional units of government;

4. The compensation, methods of selection and terms of officials serving county government or other multi-purpose regional units of the government;

5. The authority of the State, and manner of exercising such authority over county government or other multi-purpose regional units of government;

6. The relationship between county government or other multi-purpose regional units of government and municipalities and unorganized townships;

7. The role and authority of other regional or special purpose units of government that perform one or more functions that may be performed by county government or other multi-purpose regional units of government;

8. The subject matter of the following bills: "An Act Relating to the Powers of County Government," H. P. 980, L. D. 1243; "An Act Relating to County Home Rule Powers of the County Delegation," S. P. 398, L. D. 1307; and "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 Sessions of the 107th Legislature," H. P. 1445, L. D. 1819, as introduced at the regular session of the 107th Legislature; and

9. Any other subject matter found relevant to the purposes of this study; and be it further

ORDERED, that for the purposes of this study, this Joint Select Committee shall conduct public hearings in order to solicit and consider testimony for its study and may conduct such hearings throughout the State, and, in addition, they shall solicit and receive information from individuals, organizations and government units, including, but not limited to, the several counties of the State, the Maine Municipal Association, the Maine County Commissioners' Association and the municipal associations of any county; and be it further

ORDERED, that the Council shall report the results of its findings, together with any proposed recommendations and 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 to said Legislative Council, the Joint Standing Committee on Local and County Government, the sponsor and cosponsors of L. D. 1819, and each of the counties of this State as notice of this directive. (H. P. 1670)

Comes from the House, Read and Passed.

Which was Read.

Mr. Speers of Kennebec then moved that the Joint Order be tabled pending Passage.

Thereupon, on motion by Mr. Jackson of Cumberland, a division was had, 11 having voted in the affirmative, and 16 having voted in the negative, the tabling motion did not prevail.

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

Mr. CONLEY: Mr. President, it was my assumption that the good Senator from Cumberland, Senator Jackson, wanted to explain this brief joint order, and I wonder if he may take the opportunity to do so now?

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

Mr. JACKSON: Mr. President and Members of the Senate: As you know, earlier in the session we had a bill that was introduced to abolish county government. There was a study order on it at the same time. The four sponsors of the bill contacted the County Government Committee. We passed the bill out in new draft unanimous ought to pass, and they contacted the committee, and it was

recommitted to the committee and was given a leave to withdraw. And with this leave to withdraw we presented a joint order where it was considered very important that we take a good strong look, an in-depth study of county government, to see what functions it should provide, if we really need this layer of government between municipal government and state government, the specific areas in which it could be utilized and utilized effectively, and the joint order spells out quite clearly that there are nine areas which the joint study deals with specifically.

If you looked at the calendar this morning and looked at these nine categories, it is quite self-explanatory, and I feel that something of this importance should be readily and probably most seriously considered, that maybe we should take a good hard look and, as soon as we can get to it, do it, because it is a costly piece of government between municipal government and state government. I think I can speak for better than 50 percent of the members of the two bodies, that they would really like to see effective county government, if we are going to have county government, something that is going to be answerable to the people, the taxpayers, and therefore, that is why I feel this is very important, and I thank everybody for their support this morning.

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

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

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 Alyse L. Corson of Cornville First Woman Tax Investigator of the State of Maine

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. 1672)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, legislation, H. P. 671, L. D. 845, "An Act to Amend the Insurance Law to Require the Inclusion of Home Health Services as a Covered Benefit in all Group and Individual Health Policies Written in the State," was introduced at the regular session of the 107th Legislature; and

WHEREAS, the purpose of this legislation was to require that all group and individual health insurance policies in this State provide coverage for home health services; and

WHEREAS, there are serious questions about the policy of mandating such coverage and about the definition and extent of home health services and about the costs of these services and this coverage; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Business Legislation, to examine the subject matter of L. D. 845 in light of the above questions; and be it further

ORDERED, that the Bureau of Insurance and the Department of Health and Welfare are directed to cooperate with the Committee on Business Legislation in this study; 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. (H. P. 1673)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

(See action later in today's session.)

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 Fred DiPalma of Scarborough State Commander of the Department of Maine Amvets 1974-1975

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1675)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Reconsidered Matter

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its former action whereby Joint Order (H. P. 1673) received Passage.

Thereupon, on further motion by the same Senator, tabled pending Passage.

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 Thomas Howard Jr. of Milo, Maine one of 15 Summer Interns Selected to Work with the Republican National Committee in Washington, D. C.

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. 1679)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications
STATE OF MAINE

One Hundred and Seventh Legislature
Committee on Health & Institutional Services

June 5, 1975

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

It is with pleasure that I report to you that the Committee on Health and Institutional Services has completed all actions necessary on the business placed before it by the 107th Legislature.

Total Number of Bills Presented	67
Unanimous Reports	54
Leave to Withdraw	15
Ought Not to Pass	6
Ought to Pass	11
Ought to Pass as Amended	15
Ought to Pass in New Draft	7
Divided Reports	13
Total Number of Amendments	7
Total Number of New Drafts	1
Total Number of Referrals	2

Sincerely,

Signed:

WALTER W. HICHENS
Senate Chairman

Which was Read and Ordered Placed on File.

STATE OF MAINE
One Hundred and Seventh Legislature
Committee on Natural Resources

June 6, 1975

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

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

Total bills Received	60
Unanimous Reports	48
Leave to Withdraw	14
Ought Not to Pass	9
Ought to Pass	2
Ought to Pass as Amended	15
Ought to Pass in New Draft	8
Divided Reports	12

Respectfully,

Signed:

HOWARD M. TROTZKY
Senate Chairman

Which was Read and Ordered Placed on File.

STATE OF MAINE
Senate Chamber
Augusta, Maine 04330

June 6, 1975

The Honorable Joseph Sewall
President of the Senate
Augusta, Maine
Dear Mr. President:

In accordance with Joint Legislative Order dated March 24, 1975 (Senate Paper 391) establishing the Joint Select Committee on Jobs I enclose herein the first report of the committee for presentation to the 107th Legislature.

Respectfully submitted,

Signed:

BRUCE M. REEVES

Chairman
Joint Select Committee on Jobs
(S. P. 562)

Which was Read and with accompanying papers Ordered Placed on File.
Sent down for concurrence.

STATE OF MAINE

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

June 6, 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 Extend the Provisions of the Energy Emergency Proclamation" (H. P. 1152) (L. D. 1446):

Representatives:

KELLEHER of Bangor
MARTIN of Eagle Lake
FINEMORE of Bridgewater

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Hichens of York,
WHEREAS, recent federal court decisions have significantly affected the rights of mentally retarded and mentally ill persons; and

WHEREAS, these decisions have clarified patients' rights to treatment, enumerated the procedural safeguards which must be provided by institutions serving these patients and altered the definitions of "voluntary" and "involuntary" patients; and

WHEREAS, the changes required by these decisions have neither been studied nor carried out in Maine statutes and Maine institutions; and

WHEREAS, failure to consider and respond to these decisions makes the State vulnerable to suits brought by patients or on behalf of patients; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized through the Joint Standing Committee on the Judiciary of the 107th Legislature to review and study the recent federal court decisions pertaining to the area of patients' rights and to examine existing Maine statutes and current administrative policy of state institutions relating to the care and placement of patients; and be it further

ORDERED, that the committee report the results of its findings together with any proposed recommendations and necessary implementing legislation to the next regular or special 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. 559)

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 Relating to a Uniform Traffic Ticket and Complaint System for use Throughout the State of Maine." (H. P. 1334) (L. D. 1645)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act Providing for No-Fault Motor Vehicle Insurance." (H. P. 1282) (L. D. 1801)

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 Health and Institutional Services on, Bill, "An Act Transferring the Institutional Resident Advocate Program of the Department of Mental Health and Corrections to the Human Rights Commission." (H. P. 541) (L. D. 657)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-628).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and 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 Committee on Natural Resources on, Bill, "An Act Concerning the Land Use Regulation Statutes." (H. P. 1040) (L. D. 1330)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-558).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "B" (H-642) Thereto.

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

Thereupon, on motion by Mr. Trotzky of Penobscot, tabled until later in today's session, pending Adoption of House Amendment "B" to Committee Amendment "A".

The Committee on Health and Institutional Services on, Bill, "An Act to Amend the Eating, Lodging and Recreational Place Licensing Law." (H. P. 788) (L. D. 958)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-497).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "B" (H-663) Thereto, and House Amendment "A" (H-623).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "B" to Committee Amendment "A" was Read and Adopted in concurrence and Committee Amendment "A", as Amended by House Amendment "B" Thereto, was Adopted in concurrence. House 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 Relating to Improved Property Tax Administration." (H. P. 882) (L. D. 1150)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-649).

Signed:

Senators:

MERRILL of Cumberland
JACKSON of Cumberland

Representatives:

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

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

Signed:

Senator:

WYMAN of Washington

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

Which reports were Read.

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

Mr. WYMAN: Mr. President and Members of the Senate: I move we accept the Minority Ought Not to Pass Report.

Briefly, this bill, as I understand it, provides that when transferring a piece of property a person shall have a certificate which explains to the register of deeds the cost of the property or the selling price, and from there it goes to the state. And that is before the stamps go on the deed.

Now, this is a way to avoid putting stamps on the deed, but it is also provided that under this provision the register of deeds and his or her assistants and the State Taxation Department lists shall all be kept separate. Now, this bothers me because I think that one of the ways the state is using to arrive at state valuations is not look at the land but to take the transfers. Now, if all the land were transferred, I think it would make sense, but in a lot of these communities just a small part of the land is being transferred and it is rolling over and over and over among speculators and 80 percent of the land is never sold at all, but people just continue to live on it. I think we are using this as an unfair way to arrive at municipal valuations, and this is my reason for opposing the bill.

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

Mr. MERRILL: Mr. President, I would like to first inquire through the Chair what is the pending motion before the body?

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Washington, Senator Wyman, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

Mr. MERRILL: Thank you, Mr. President. I would like to ask for a division when the vote is taken on this item, and I would like to just add a couple more words

of explanation and explain why the Senator from Washington, Senator Wyman, and myself are on different sides of this report.

I think that the explanation provided is accurate in as far as it goes. The intent of this bill is to provide for some accurate system of finding out what people pay for land for two reasons: First of all, to insure that the money we collect as a tax on the transfer is an accurate representation of the price that was actually paid; and secondly, so that that information can be available to people who are in the business of assessing property for the cities and towns.

Now, what we have done with this bill is, replaced the tax stamp system and simply provided that a person has to, when transferring the land, sign an affidavit as to the price that he paid, and that this then goes to the state and the state has a copy, and a copy is sent back to the tax assessor in the town.

It isn't intended that this be public information. As a matter of fact, the law provides that it won't be. But the information will be available to the parties that have to have the information.

I think this bill will help us raise some more revenues from the transfer tax, which is a relatively small tax, and it will also help us to improve the quality of property tax assessment in Maine. We can't do a better job at assessing than the tools that we have available, and one of the most important tools to an assessor is to know what land is being transferred at the prices of the current market values.

For this reason, I think that this is an important bill, and for this reason I would ask that the Senate not accept the Ought Not to Pass Report; accept the Ought to Pass Report, and if you have any questions about this bill after you have taken that action, maybe you could take a look at it or talk with me about it after the session, and if you still have a problem with it, it will be before us again tomorrow.

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

Mr. ROBERTS: Mr. President, I rise to support Senator Wyman's motion. In my communities all the towns receive from the register of deeds information on all the land that is taxed, and the only time that they wouldn't get the information is when the stamps are not placed on there. If you want the stamps on there, I think you should change the stamp law.

In addition, as an attorney, my office would probably make out 15 or 20 deeds a week, and many, many times we never see both parties and occasionally we don't even see either party, but the information is given to us over the phone and we have information in our files from that client, a copy of the deed, which permits the deed to be prepared, and somebody comes in and picks it up and the execution doesn't take place, so therefore, we don't have the information to make out this separate report which has to be filed with this.

As I understand it, there were at least nine registers of deeds that appeared and were against this. My own registry of deeds talked to me at length about this. We built an addition on the courthouse not very long ago which was supposed to go for twenty years, and in seven more years we are going to be filled up so that we won't have any place to put our deeds, and yet we are supposed to record a copy of this statement, or she is, with every deed that she gets, saying what people are paying for it and who the buyers and sellers are.

I think there is a very simple way to handle this, if that is what you want to do, and that is simply to make it a requirement that the stamps have to go on the deeds before they are recorded. Now you have a choice: you can record the property, buy the stamps and then put the stamps on after the deed comes back into your possession or, as I generally do in my office, we put the stamps on the front, on the label of the deed, which isn't photocopied in the registry, so that information doesn't appear. And certainly if you change the law very simply and say that the stamps have to be purchased and have to appear on the deed and be recorded with the deed, then they will have to go on one of the pages where the description of the property is, and it will appear in the registry of deeds, and the towns can get the information that way.

I think this will cause all sorts of trouble, will fill up the registries fast, and will require that lawyers fill out forms for which they don't have the information without waiting around and working to get people to come in and sign it.

Now, lots of times these deeds are made out — I make them out for people in my area where a lot of the land is owned by Massachusetts and out-of-state people, and we make out the deeds and mail them back to them and they are executed actually down in Massachusetts, so I can see an awful lot of problems with this, and I agree 100 percent with what Senator Wyman says, that the only property that you are going to find out what it is selling for is the property that is really hot for transfer, which in the past has been lake property and ocean property and maybe homes around in some areas. The large percentage of the property hasn't been turning over this fast, and if the town is going to base the value for the whole town on some property that is in demand and the real estate people are really selling and working hard to sell, then you are going to have an unfair valuation.

If we are going to, and we apparently are, going to try to teach these assessors in the various towns — and that was the law, as I understand it, that we passed last session, to teach these people how to go out and make fair appraisals rather than just keeping something down because he happens to be your neighbor, and putting up something else, somebody else's property up because he happens to come from out of state, if we are going to teach these people, as we indicated we were, how to become fair and accurate appraisers, then I don't think they want this tool because if they rely on it completely we will be defeating what we were trying to do with the bill we passed last session.

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

Mr. MERRILL: Mr. President, I hope there isn't any misunderstanding when the vote is taken on this item in regard to this bill. The declaration of value, which is the major feature of this bill that the person will have to make out on the recording of a deed, they have to make out two copies, and both are sent to the state, and one is sent back to the town. So I think that there has been some misunderstanding on the part of our registers of deeds around the state as to the burden that this might put on them.

More importantly, as to the argument of property assessment, obviously one of the problems with assessing property is that you have to use the tools available, and

what you are trying to do is ascertain market value of the property, what the property would sell for if it was on the market and what a willing and able buyer would pay. There is a problem in using the properties that have been sold as a comparison, it is obvious. The property that is turning over may be different in some ways than the property that is not turning over, and that may affect unfairly the valuation. But property assessment is at best an educated guess in any circumstance, and what we are asking for with the bill, I think, is that the word "educated" in educated guess be emphasized.

Now, one of the most fundamental tools for a person who wants to come to an accurate and fair evaluation of a piece of property is to know what comparable properties are selling for, and this bill provides for that information.

Now, it isn't a simple thing to provide for a change in the stamp law, because there is a legitimate concern on the part of people who transfer a lot of property in particular that it not be a matter of open public record how much they paid for their land. And I suppose that this is a concern that deserves to be recognized, at least honestly, looking at this thing politically, it will be recognized. So what has been provided for in this bill is a means that this information can be available to the people that need it without making the information public to everybody. I think this is a reasonable approach to this problem, and I would hope that the Senate would reject the motion for the Ought Not to Pass Report, and let this bill move along in the process. And if you have some serious questions about this important bill, I would be more than glad to talk with anybody after the session.

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

Mr. KATZ: Mr. President and Members of the Senate: I think that there is some misunderstanding about the goal of this legislation. If there is one thing that I am absolutely confident of, that we should be afraid not of having too much information but we ought to be afraid of having too little information. And right at the moment every time I have been involved in anything pertaining to property tax valuation I am confronted with the realization that we have too little information.

Now, I can understand the uneasiness on the part of some people that as we get more information about the value of property it may not be used wisely, but there is nothing in this bill pro or con that says the information will be used wisely or unwisely, but it does direct itself to the question, the more importance we are placing on the valuation of property with respect to the distribution of state dollars the more important it is for us to improve the level of our knowledge. And on that basis, I hope that you would oppose the motion to accept the minority report, and because I have a feeling that this bill is of great significance, I request a roll call.

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

Mr. WYMAN: Mr. President and Members of the Senate: Can you imagine with two, three or four people in the courthouse that have this information, and more in the State Tax Department, that it won't be public? I can't. There is a provision that provides that this must be kept secret, but can you really believe that

this information shall be kept secret? And as far as this way for doing it, it is like so many things we do, it is the wrong tool and the wrong method. I think the state should go in and look at these properties and get the information they can. But as one member of the Municipal Evaluation Appeal Board told me, he says, "All we look at with the information we have is the sunny side of the hill." And once more, there is so much of this land that is turning over and over and over, and that is what we are fixing our state valuations on, and this is the reason I oppose the bill.

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 Waldo, Senator Greeley.

Thereupon, on motion by Mr. Greeley of Waldo, tabled until later in today's session, pending the motion by Mr. Wyman of Washington that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Clarify the Laws Relating to Superior Court Commitment of Mentally Disordered Persons." (H. P. 170) (L. D. 225)

Reported that the same Ought to Pass.

Signed:

Senators:

CLIFFORD of Androscoggin

MERRILL of Cumberland

Representatives:

HUGHES of Auburn

HENDERSON of Bangor

HEWES of Cape Elizabeth

HOBBINS of Saco

McMAHON of Kennebunk

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-564).

Signed:

Senator:

COLLINS of Knox

Representatives:

GAUTHIER of Sanford

BENNETT of Caribou

MISKAVAGE of Augusta

SPENCER of Standish

PERKINS of South Portland

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.

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

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: This bill essentially does two things. One, it introduces a few housekeeping instructions into our existing law about Superior Court commitment of mentally ill persons, and those are not at all controversial. The other thing it does is to provide that in the reports which must guide the court that the written certificate of either a psychiatrist or a clinical psychologist shall suffice, and the issue presented to the committee is a difference

of opinion between the psychiatrist and the psychologist. Both, of course, contribute an important judgment to the work with our mentally ill persons.

Of course, in the cases that we are talking about in the Superior Court, we are primarily dealing with cases that have a criminal element. There has usually been a crime in which the defendant has entered a plea of not guilty by reason of mental defect or illness, and there has been a period of observation and certain decisions have been made. Sometimes these decisions come before trial, sometimes these are decisions that come later on in the process.

It was the feeling of the minority of the committee, as indicated in your report, that this important decision ought to have more than the simple signature of the clinical psychologist because we felt that there was a medical question involved in the determination. So the Amendment which I have supported simply removed the clinical psychologist from that important function and kept it in the hands of the psychiatrist.

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

Thereupon the Minority 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 Public Utilities on, Bill, "An Act Relating to Termination of Utility Service." (H. P. 1361) (L. D. 1663)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-650).

Signed:

Senators:

CUMMINGS of Penobscot

GREELEY of Waldo

CYR of Aroostook

Representatives:

GRAY of Rockland

NADEAU of Sanford

SAUNDERS of Bethel

TARR of Bridgton

BERRY of Buxton

SPENCER of Standish

LEONARD of Woolwich

LUNT of Presque Isle

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

Signed:

Representatives:

LITTLEFIELD of Hermon

KELLEHER of Bangor

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.

On motion by Mrs. Cummings of Penobscot, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

Divided Report

Eight members of the Committee on Natural Resources on, Bill, "An Act Relating to the Saco River Corridor

Commission Law." (H. P. 1123) (L. D. 1401)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-625).

Signed:

Senators:

WYMAN of Washington

O'LEARY of Oxford

Representatives:

HALL of Sangerville

AULT of Wayne

CHURCHILL of Orland

McBREAIRTY of Perham

HUTCHINGS of Lincolnville

CURRAN of Bangor

One member of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (H-626).

Signed:

Senator:

TROTZKY of Penobscot

Two members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as Amended by Committee Amendment "C" (H-627).

Signed:

Representatives:

WILFONG of Stow

BLODGETT of Waldoboro

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

Signed:

Representatives:

PETERSON of Windham

DOAK of Rangeley

Comes from the House, Report "C" Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "C" (H-627).

Which reports were Read.

On motion by Mr. Trotzky, tabled until later in today's session, pending Acceptance of Any Report.

Senate

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

Bill, "An Act to Strengthen the Maine Criminal Statute on Embezzlement." (S. P. 451) (L. D. 1510)

Ought to Pass — As Amended

Mr. O'Leary for the Committee on Natural Resources on, Bill, "An Act to Amend the Air Pollution Standards to Expand the Definition of Treatment and to Affirm that Projects Meeting State Air Quality and Emission Standards will not Significantly Deteriorate Existing Air Quality." (S. P. 443) (L. D. 1503)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-275).

Which report was Read.

On motion by Mr. O'Leary of Oxford, tabled and Specially Assigned for June 11, 1975, pending Acceptance of the Committee Report.

Ought to Pass in New Draft

Mr. Marcotte for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Reclassification and Range Changes of Certain Positions and Classifications in State Classified Service." (S. P. 369) (L. D. 1203)

Reported that the same Ought to Pass in New Draft under New Title: "An Act

Providing Funds for Review of the State's Civil Service System and the Classification and Compensation Plan." (S. P. 560) (L. D. 1926)

Mr. Gahagan for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Current Service Allocations from the Other Special Revenue Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 233) (L. D. 824)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Make Certain Revisions in the Form of the State Budget Document" (S. P. 561) (L. D. 1927)

Which reports were Read and Accepted, the Bills in New Draft Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House — As Amended

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

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

Enactors

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

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

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

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

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

(On motion by Mr. Corson of Somerset, tabled until later in today's session, pending Enactment.)

An Act Relating to Benefits under the Employment Security Law. (H. P. 1017) (L. D. 1297)

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

An Act Concerning the Transportation of Tree Length Logs by Combination Vehicles. (H. P. 1166) (L. D. 1465)

(On motion by Mr. Greeley of Waldo, tabled and Tomorrow Assigned, pending Enactment.)

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

An Act to Exempt Lobster Fishing Boat Operators from Withholding State Income Taxes from Sternman's Share of Proceeds and to Provide that a Sternman will be Considered Self-employed for Purposes of Maine Income Tax. (H. P. 1246) (L. D. 1547)

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

An Act to Permit the Board of Environmental Protection to Accept Municipal Subdivision Permits in Lieu of Site Location Review. (H. P. 1272) (L. D. 1597)

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

An Act to Cause the Aroostook County

Commissioners to Hire a Full-Time Administrative Assistant. (H. P. 1362) (L. D. 1664)

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

An Act Relating to the Licensing of Hearing Aid Dealers and Fitters. (H. P. 1643) (L. D. 1907)

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

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

Resolve, to Appropriate Funds for the Purchase of Copies of Town Histories and to the Western Somerset Historical Society for Establishing Village Library Installations. (H. P. 1336) (L. D. 1646)

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

Emergency

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

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

Emergency

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

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.

Reconsidered Matter

On motion by Mr. Merrill of Cumberland, the Senate voted to reconsider its action of earlier in today's session whereby it voted to Recede and Concur on the following:

Non-concurrent Matter

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

In the Senate May 30, 1975, Passed to be Engrossed as amended by Committee Amendment "A" (H-527), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" (H-675) Thereto, in non-concurrence.

Thereupon, on further motion by the same Senator, the Senate voted to Insist.

Orders of the Day

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

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

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

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

as amended by House Amendment "A" (H-629).)

(In the Senate — House Amendment "A" Indefinitely Postponed, in non-concurrence.)

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

Mr. MERRILL: Mr. President, I am having an amendment prepared on this item, and I would appreciate it if someone would table it until later in today's session.

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

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

The President laid before the Senate the second 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 5, 1975 by Senator Collins of Knox.

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.)

Mr. Collins of Knox moved that the Senate Recede and Concur.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I hope that the Senate would reject the motion to recede and concur and will move to adhere.

This is a bill concerning persons convicted of operating under the influence and we debated it before. Under the present law, Mr. President and Members of the Senate, if someone is convicted for the first time of operating under the influence, the license is suspended for four months, and if that person voluntarily takes a rehabilitation course, then that license can be restored after thirty days.

The program is said to work fairly well. It is not mandatory. It is a voluntary program. This would make that program mandatory, and it would also require hearings for persons who would be unable or unwilling to take the rehabilitation program, which would be additional work for the Secretary of State's office.

Apparently, the real reason for this bill is the feeling that if this bill doesn't pass making it mandatory for every first offender to take this rehabilitation program, that there may not be enough money to run the schools. Mr. President and Members of the Senate, I think that is a terrible reason for passing a bill requiring mandatory attendance at a school for someone on a first offense.

If the program is worthwhile, then it seems to me that people will be induced to take it. They are induced now because of the fact that they can get their license back. And I think that a program is a lot more worthwhile for someone who voluntarily takes it, any school program, than for someone who is forced to take it.

I hope that we would oppose the motion by the Senator from Knox, Senator Collins,

and that we could then do what we did before and defeat this bill, which was put in for the wrong reasons and forces a school upon people on the first offense. I request a division. Thank you, Mr. President.

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

Mr. COLLINS: Mr. President, one of my alert and discerning colleagues spoke to me the other day after this was debated and wondered if I was retreating from my usual position to be rather strict about matters relating to alcohol, because he noted that it would be possible under this provision for a driver convicted of operating under the influence to get his license back more quickly than is presently the case.

My motivation in this bill is to do the best possible job in educating drivers that have this problem to the meaning of alcohol in the system. This is the old story of a picture being worth a thousand words. A driver loses his license for four months and he pays a fine, usually \$150, and for a while he is more careful. And as time goes on, he is less careful and he drinks more and more, and soon he is in trouble again.

We have to recognize that in addition to the thousands of cases that come into our courts every year for driving under the influence of intoxicating liquor that there are additional hundreds of cases that are alcohol related, usually accident cases, where there is no prosecution in our courts because of the difficulty of presenting evidence.

In the southern part of the state these past two or three years, there has been a sort of crash program used for first offenders — I think they call it the ASAP program — there has been federal money involved in the funding, and that program is about to run out. Some have suggested that this program that we are recommending here for first offenders is a way of giving jobs to some of the people that worked in the education on those programs, but the fact of the matter is that only one of those persons is likely to be needed in the existing program if this first offender bill is passed.

As I said when I spoke before, this is a program which very happily is pretty much self-supporting, because the offender has to pay \$30 to take the course. At the present time there are rehabilitation schools being conducted in Caribou, Fort Kent, Houlton, Presque Isle, Calais, Machias, Ellsworth, Bangor, Millinocket, Farmington, Waterville, Mexico, Skowhegan, Belfast, Wiscasset, Augusta, Rockland, Bridgton, Lewiston, Bath, Portland, Kennebunk, Sanford, and Biddeford. So this is an on-going program with regular schedules and experienced people. The films that are used are there. They are very effective films. Perhaps some of you will recall attending a movie at some time in your life where the graphic facts portrayed stayed with you long afterward, sometimes for years, and I saw one of these films relating to the effect of alcohol on the human being years ago, and I can still remember that film. It was one of the things that was done so effectively that it stayed with me for a long time.

So in espousing this bill I am not being soft on offenders. The idea of dealing with offenders, in any event, is not vengeance. The idea is to help those people to understand what happens when they drink and drive, what the hazards are, not only to themselves but to their passengers and to everyone else on the highway. And we

desperately need to make this apply just as broadly as we can. It seems to me a small inconvenience to the offender to attend one of these schools and to have a thorough opportunity to see the scientific facts about alcohol and driving.

I do not feel we need to be concerned over costs on this bill, but we do need to be concerned over whether we are doing all that we can to help keep the person who has that tendency from drinking and driving, and I urge your support for the pending motion and request a roll call.

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

Mr. CONLEY: Mr. President and Members of the Senate: I appreciate the remarks made by both the good Senators who previously spoke on this bill. The thing that disturbs me about the bill is not so much the mandatory requirement of participating in this program as set up by the state, but it is the way it is being funded.

I know that a few years ago the ASAP program was put into effect down in Cumberland and York Counties, and at that time anyone who was convicted of operating under the influence was automatically put under this particular program, and once they had gone through it, with recommendations and so forth, once again they had restored their privilege to operate motor vehicles on Maine highways.

No one stronger supports than I do the concept of removing the drunken driver from the highways of Maine, but I honestly believe that if we are going to do the job we should do the job in the proper manner, and that is to appropriate the funding for that program. We know that the laws on the books can be interpreted in some ways as being very severe, and severe in the way that I mean if you look at the program the way it is designed right now, it can be designed in a sense to be enacted upon a quota system, that to continue this program funds have to keep coming in.

I remember when we had the implied consent law come through here. I voted against it for the same reasons that I hold reservations on this bill. I want to support this bill, but I don't want to support it without an appropriation from the general fund because what it sets up is that obviously the people in charge of this are going to have to bring clients to the courts to get the revenue that is needed, and I don't think that is a fair way and I don't think that we are honestly approaching the problem from the proper position that we should be.

I would hope that the Senate could take a harder look at this bill as to the way it is being funded, because I just don't like voting positively on bills that to me are regressive in many ways. And I support everything that the good Senator from Knox, Senator Collins, had to say about the bill up to the point when he started discussing how it was to be financed. We know that generally the fine today in the court is \$150 on a first offense. We know, secondly, that a person who goes into court generally has an attorney, and that cost — the bar could probably respond to that, but it is not unusual for one to be charged \$500. And then we are turning around on top of that and saying it is going to cost you an additional \$30 to take this program. Whether or not it could be written into the law that \$30 of the fine that would be received by the state would be allocated to the Secretary of State for the purpose of

continuing this would be one thing, but I just don't have the solution to it and I don't like the way that it is being set forth as of now.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: It seems to me that this bill is backwards in the way it approaches the problem. I requested of the sponsor as to whether or not we could get an agreement where the people convicted of a second, third or fourth offense would be required to attend the program, which seems to me would be a lot more acceptable, and the answer was no because the reason that the first offender is in this bill is in order to keep the program going. I just don't think that is the kind of reason that we should enact a law that requires attendance at a school for a first offender. They are not interested in the second offender or the third offender being required because it doesn't bring in enough money, but they want the first offender because it brings in enough money.

I think that is a terrible reason or terrible purpose to enact a bill that does this, whereas now there is a suspension for four months and there is an incentive to voluntarily take the program and the license is gotten back sooner under the present law.

I would again reiterate, it seems to me that someone on a first offense basis is going to get a lot more out of the program if they take it on a voluntary basis than if they are forced to take it. It would also generate more hearings for the Secretary of State's Office, which we don't need at this time. So I hope that we would oppose the motion. Thank you, Mr. President.

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

Mr. COLLINS: Mr. President, 25 years ago the standard fine for a first offense drunken driving, as we called it in those days, was \$100 and I bought my first car for \$700. Today the same car costs \$3,500, and the standard fine is \$150. It is quite apparent that through the years we have demanded less and less and less in the way of financial retribution from the first offender.

I disagree with the good Senator from Androscoggin about the motivations in this situation. I think the program that now exists will keep going whether we pass this bill or not, but the purpose of this bill is to give it broader application and to get it to the people that need it most when they are on the threshold of the program that leads them into serious trouble.

The good Senator from Androscoggin has said before that many of these cases are sort of borderline cases where the person will do it once and never do it again. I hope he is right that they will never do it again, but I see in the activities of our current society, where drinking is so prevalent at so many social affairs, a growing tendency to forget what alcohol does to the system, and I think that we must educate our people as graphically as we can. We must try harder to curb this tendency to drink and drive.

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. Would 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 Knox, Senator Collins, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Cianchette, Collins, Conley, Corson, Curtis, Danton, Gahagan, Greeley, Hichens, Huber, Johnston, Katz, McNally, O'Leary, Pray, Reeves, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Carbonneau, Clifford, Cummings, Cyr, Graffam, Graham, Jackson, Marcotte, Merrill, Roberts.

ABSENT: Senator Berry, R.

A roll call was had. 21 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with one Senator being absent, the motion prevailed.

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

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

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

Pending — Motion of Senator Pray of Penobscot to Concur.

(In the Senate — Passed to be Engrossed as amended by Senate Amendment "A" (S-186), in non-concurrence.)

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

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

Mr. Collins of Knox requested a division on the pending motion.

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

Mr. KATZ: Mr. President, because of the intervening weekend, I would appreciate an explanation as to the implications of the motion if we concur with the House.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: As you can see on the calendar, we are presently in non-concurrence. The House has put an amendment on the bill which puts back in a distance limitation as to what a snowmobile can travel on a highway, and I am sure you have in front of you a letter from the sponsor of that piece of legislation. As I talked last Friday, the Commissioner of Transportation, Commissioner Mallar, also strongly supported this bill.

What the House Amendment does is put on a limitation as to the distance that a snowmobile can travel upon the public way and crossing obstacles.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that the Senate concur with the House.

A division has been requested. Will all those Senators in favor of the Senate concurring with the House please rise in their places until counted.

A division was had. 13 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

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

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

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

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

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

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

Mr. THOMAS: Mr. President and Members of the Senate: Item No. 4, L. D. 1302, and Items Nos. 10 and 11 on the next page are companion bills. Last week through a mixup here on the Senate floor they got separated, and on Friday we got them back together. Whatever we do on this bill we must also do on the other two, because the three are companion bills. I move, Mr. President, and would like to speak to my motion, that we accept the Ought to Pass Report in concurrence.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Thereupon, on motion by Mr. Collins of Knox, tabled until later in today's session, pending the motion by Mr. Thomas of Kennebec that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

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

Tabled — June 6, 1975 by Senator Speers of Kennebec.

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

Which 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 laid before the Senate the sixth tabled and Specially Assigned matter:

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

Tabled — June 6, 1975 by Senator Speers of Kennebec.

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

This being an emergency measure and having received the affirmative votes of 29 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.

Reconsidered Matter

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby it voted to Insist on the following:

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

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

Pending — Motion of Senator Pray of Penobscot to Concur.

(In the Senate — Passed to be Engrossed as amended by Senate Amendment "A" (S-186), in non-concurrence.)

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

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

Thereupon, on further motion by the same Senator, tabled until later in today's session, pending Consideration.

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

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

Tabled — June 6, 1975 by Senator Huber of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Huber of Cumberland, retabled and Specially Assigned for June 11, 1975, pending Passage to be Engrossed.

The President laid before the Senate the eighth 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 6, 1975 by Senator Conley of Cumberland.

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

Mrs. Cummings of Penobscot moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Mr. Merrill of Cumberland then moved that the Bill be tabled and Specially Assigned for June 11, 1975, pending the motion by Mrs. Cummings of Penobscot that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Katz of Kennebec, retabled and Tomorrow Assigned, pending the motion by Mrs. Cummings of Penobscot that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The President laid before the Senate the ninth 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 6, 1975 by Senator Carbonneau of Androscoggin.

Pending — Motion of Senator Hichens of York to Suspend the Rules for the Purpose of Reconsideration.

(In the House — Passed to be Enacted.)

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

Mr. CONLEY: Mr. President, I wonder if the good Senator from York, Senator Hichens, may once again explain to the Senate the purpose of consideration?

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

The Chair recognizes that Senator:

Mr. HICHENS: Mr. President and Members of the Senate: I explained the other day that there was a problem brought up by Mr. Larouche of the Governor's Task Force on Corrections, along with the Assistant Attorney General, Mr. Benoit, and they together gave us this amendment which would clarify the rules. There was a question brought up by the good Senator from Androscoggin, Mr. Berry, and that has been cleared up by Attorney General Cohen, so I would like to offer this amendment which would clarify the legislation which was passed out by Committee Amendment "A".

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

Mr. BERRY: Mr. President and Members of the Senate: I requested to have the item tabled last week, and this morning I checked with Charles Larouche from the Attorney General's Office and Richard Cohen from the Attorney General's Office, and they assured me that Senator Hichens' amendment is adequate and does the job.

The PRESIDENT: Is it now the pleasure of the Senate that the rules be suspended in order to consider this matter?

The motion prevailed.

On motion by Mr. Hichens of York, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, 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-277, 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 laid before the Senate the tenth 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 6, 1975 by Senator Thomas of Kennebec.

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 until later in today's session, pending the motion by that same Senator that the Senate Accept the Minority Ought to Pass Report of the Committee.

The President laid before the Senate the

eleventh 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 6, 1975 by Senator Thomas of Kennebec.

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. Johnston of Aroostook, retabled until later in today's session, pending the motion by Mr. Thomas of Kennebec that the Senate Accept the Minority Ought to Pass Report of the Committee.

The President laid before the Senate the twelfth 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 6, 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 until later in today's session, pending Acceptance of Any Report.

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

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

Tabled — June 6, 1975 by Senator Katz of Kennebec.

Pending — Reference. (In the House — Referred to the Committee on Education and Ordered Printed.)

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Reference.

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

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

Tabled — June 6, 1975 by Senator Katz of Kennebec.

Pending — Reference. (In the House — Referred to the Committee on Education and Ordered Printed.)

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

Mr. KATZ: Mr. President, tabled item No. 14 and the previous one showed up here

on Friday, two new bills admitted by the Reference of Bills Committee under joint rules and, although the Committee on Education has not met, there seems to be a pretty well founded feeling that both of these bills, were they to be dealt with by this session of the legislature, would require public hearings. They are not the type of bills that can be handled while standing on one foot in the corridors. I am going to make a motion with respect to this one but I would like to give you the background on it a little bit because it is a very emotional case.

Richmond is a poor community that has been struggling to upgrade its school system for a number of years now. It is one of the prime beneficiaries of the state funding that we have enacted over the last year or two. But when we sought to tighten up the law this time and we sought to deal with known figures to base our state costs on, we changed the ground rules just a little bit, and Richmond is one of the communities that was caught up in the problem. Richmond now is faced with the necessity of raising significantly more local dollars for just one year in order to fund some of the new programs that they had established. This bill in front of us would appropriate I think somewhere around \$22,000 of state money, and Richmond would then appropriate some local dollars to go along with it to increase their available money, and you can't help but have some sympathy for the plight of the people of Richmond.

On the other hand, all over the State of Maine there are other communities who are in a plight, although not identical, quite similar. Any community in your district which has initiated new programs over the past couple of years, and was presuming that it was going to be reimbursed in the next year following the initiation of the new program now is going to have to wait a second year, so there is going to be one year of a rather tight fiscal posture, and that means you are going to have to use local dollars to tide yourself over. The Committee on Education knew this and we felt that we had a mandate to tighten things up, and that is the basis for the problem that Richmond is in.

With reluctance, but because there really are no other alternatives in facing all the problems of all these communities, I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that L. D. 1920 be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President, I wish to go on record as opposing this motion. Richmond is one of the towns that I represent.

Last year under 1994 they got themselves a new school, they built a new gym, and they went into programs which are available in practically all the schools of the state, including, for instance, a guidance counselor, home economics, which they never had before. The gym is about the only place in the town where children can play, amuse themselves and do gymnastics and so forth. The adult education program was also created under 1994 — hopefully, they felt that it was going to continue, but under the new funding law, 1452, the school act of 1975, they are not, and they are losing a lot of money by it, to the tune of about \$60,000 for the biennium.

The Town of Richmond is willing to go along, if this bill could pass, and raise

one-third of what is needed themselves with additional property tax. Now, I don't think it is too much to ask for a small town like that to get Home Ec., a gym, a small adult education program, which has not been effected yet because the equipment has not come in. Now, the equipment is in, it is arriving now, like sewing machines and motors and tools, but they have not been unpacked and they are not going to be unpacked unless we fund this thing. And of what they have now they will have to let go five positions if they cannot have the money. So I would advise the Senate to vote against this motion.

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

Mr. CONLEY: Mr. President and Members of the Senate: I think it is unfortunate really that the good Senator from Kennebec, Senator Katz, has moved his indefinite postponement motion on this particular bill. It appears to me that it is a problem that wasn't created by the community but was created by the state.

I am well aware of the fact that there are many bills that are introduced in a session that do not have a public hearing. By indefinitely postponing this bill what we are doing is making the Town of Richmond, which is a poor community, come up with a very large sum of tax dollars on a local level to take care of this program that they have already initiated, and they initiated it with a promise, in a sense, made by the state, by the legislature, that these programs would be funded.

Now, I think the bill could be accepted, that we could do away with the public hearing, and that the leadership could look upon this problem itself at the time it does come to funding programs to see if there isn't some way that we might give them some fiscal relief. I am not saying that we have to get right down to the money that has been requested but there is, and the good Senator from Kennebec, Senator Katz, knows that we very well can consider this item. It would be my hope, whether it was done through the bill that will be coming from the Appropriations Committee or whether it is done in some other manner, that there may be some slight chance of aiding this community, and I would oppose the motion to indefinitely postpone.

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

Mr. KATZ: Mr. President, the pursuit of my responsibility is not a very pleasant task this morning, because I agree with everything that has been said. Maybe deep down inside I hope that you override my motion, because Tom Fairchild, the Superintendent, is an old friend and he has done real wonders under very trying circumstances, but Richmond is not alone. I think that probably most every member of this Senate has a situation within his constituency where a small town has initiated a new program and is now going to have to wait an extra year to have it reimbursed.

I am not sure who in this chamber represents Lincoln, for example, but Lincoln is in a comparable situation with a new school. Lincoln faced up to its problem — presumably they had more financial ability, and funded the program locally.

I have no objection to the Senate voting its heart here today instead of its good sound business judgment, but the situation in Richmond is only unique in that this is a new school in a struggling town that has a

pretty hard rocky road all along the way, and I request a division.

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

Mr. BERRY: Mr. President, I concur somewhat with the remarks of the minority leader, the Senator from Cumberland, Senator Conley, but I think we have more to the situation than was brought out by the good Senator. The Town of Richmond, as Senator Katz from Kennebec mentioned, is not a unique situation. There are other situations similar throughout the state.

The question that comes to my mind, if I may for a moment, out of the statement of fact of this legislative document, after the passage of the 1975 Richmond budget, L. D. 1452 was passed, which delays the funding of the above-mentioned new programs. This leaves the school department the alternative of seeking another source of funds or curtailing the programs at Richmond Junior High School. I think the major problem that comes to light is that we have enacted 1452, many of the cities and towns throughout the state have gone into programs which they incorporated under 1994, and I wonder if the legislature wants to put itself into a position where it is going to set a precedent, where these other towns who have problems are going to come in at the special or the next regular session asking that their problems be eliminated, rather than trying to settle them on the local level.

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

Mr. CONLEY: Mr. President and Members of the Senate: I am reminded sitting here of an incident that took place, I believe it was either two or four years ago, when another community — I can't recall whether it was in Aroostook County or in Penobscot County — whereby some local torchburner appeared in town or he was imported, I don't know, but they had a great catastrophe up there and the school house went up in smoke, and the library and city hall and everything, and they came before the legislature requesting some financial aid. And I have to admit there was a public hearing held on the bill at that time, but the amazing thing about it was that the property tax had gone down that year, the bonded indebtedness was zero, and there were many, many things that should have told the legislature, in its wisdom, that the consideration of that particular document certainly wasn't worth the vast amount of time that it gave to it, and finally enacted it, with some financial relief.

But I think honestly that this particular bill apparently had enough support not only within leadership itself, the Reference of Bills Committee, but also by the poor person that came in on bending knee asking the Reference of Bills Committee to consider allowing its introduction, that my only hope would be that we would vote against the motion by the good Senator from Kennebec so that we could possibly substitute the bill for the report and move it back through the other body, and then allow it to stay here and just take a look and see if we have a little cash or some cash around to help what I consider to be a very unfortunate situation.

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

Mr. KATZ: Mr. President, there ain't

going to be no report, and that is at least a double negative. The choice before the Senate here is, if the Senate wishes, to defeat the motion for indefinite postponement, and then give the bill its first reading. But I think it is important that this debate took place so you know what you are doing.

We enacted a pretty tough tight law this year, and we are going to have some other approaches to the legislature in the next session because of local problems in the school funding, and you can count on it. You can count on it just as sure as shootin'. We have put a pretty tight lid on school construction of \$25 million dollars, and I want you to be prepared to get a — I love the expression of "torchcarrier" or "spearcarrrier, I can't recall which it was, but it is a darn good explanation of what is going to happen. Somebody is going to show up here with a bill that says notwithstanding the provisions of law, so and so gets a new school, completely out of any sense of priorities established statewide. There is going to be a whole series of difficult decisions on the part of the warmhearted members of this Senate.

Incidentally, I distributed this morning, and I do hope you will find time to read it, a copy of an editorial from the Boston Globe that appeared in Saturday's paper, which I think perhaps because it comes from one of the leading newspapers in the United States, and because of the fact that it is a very favorable editorial about what this legislature has done, that you will find time to read. But I think the issue is now clear in front of us and I am sure we will all accept the verdict of the Senate in good graces.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I would like to read you here a letter that was in the Kennebec Journal, a letter to the editor, on May 5th.

"Yesterday our children came home and told us they had learned something new in school. They learned that in September things around the new school will have changed. They learned there will be no physical education at all, no industrial arts and no home economics. They learned that their new gym equipment, used for the first time this year, will be stashed away. The sewing machines will be inactive in the three brand new fully equipped kitchens in a silent unused room. They learned that the long-awaited planer and drill press just arrived in the workshop will be laying there or returned. They learned that six of the teachers will not return and two positions still open will remain so. They learned there is not any money for the vocational program and precious little left for guidance and special education. They learned that the school will be closed at 3:30 p.m., preventing all people in town from using the facilities for meetings and adult education."

I would like to tell you here that in Richmond there is no public hall where you can hold a meeting or town meeting. They have been using the new facilities, and now that is going to be closed to the people.

"To top it all, they learned that all extracurricular activities will be stopped, including all ball games, athletics, year book and dramatics. They and all the children of Richmond understand hard times. They know some sacrifice will have to be made."

I suggest to you that it is not too much for them to ask to have a playground, to have a gym, to have a place where adults can meet and decide their town's future. And if we don't enact this bill, that is exactly what is going to happen. We are denying them things and programs that most all schools in the State of Maine have.

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

Mr. BERRY: Mr. President and Members of the Senate: I feel forced to convey to the members of the Senate a few pieces of knowledge I have of the Town of Richmond and what this involves.

I attended a meeting at this building about three weeks ago one evening, and I think I sensed for the first time in Richmond a spirit of optimism. I have been connected businesswise in Richmond for some 23 or 24 years, and the statements about Richmond's hard luck and impoverishment are no exaggeration. I think if I were to put my finger on anything, it would be the disillusionment of the people in Richmond if we were not to do something, as Senator Conley says, for them.

I think Senator Katz himself has very honorably given you many of the good reasons why this bill should receive a little attention. The Town of Richmond depends upon two rather marginally operated industries. It has a fairly large employment of shoe workers, many of whom come from out of town, and it has a rather small electronic assembly operation and, likewise, many people come from out of town. So we are talking here more than just the Richmond people themselves.

We have, as you know, a very fine outstanding Russian Orthodox group in town. I am afraid the impact of these people trying to save themselves financially could well result in the disappearance from the town of the two industries. It will result in trying to extract tax money from pockets that I can assure you are empty now. So I think that considering some of the things that we have been doing, efforts to keep industry in the state, and so forth, that I would ask you, if Senator Katz doesn't withdraw his motion, to vote against it.

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

Mr. KATZ: Mr. President, I do wish that the Senator from Cumberland would refrain from putting words in my mouth, but I withdraw my motion and I would like to make another one.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now requests permission from the Senate to withdraw his motion to indefinitely postpone L. D. 1920. Is it the pleasure of the Senate that the Senator be allowed to withdraw his motion?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, now that I have made the hard-nosed proper motion, I would like to make a more compassionate motion, and I move that under suspension of the rules that this bill be given its first reading at this time without reference to committee.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the rules be suspended and that L. D. 1920 be given its first reading at this time. Is this the pleasure of the Senate?

The motion prevailed and the Bill was Read Once.

Thereupon, on motion by Mr. Conley of Cumberland, and under suspension of the rules, the Bill was Given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Reconsidered Matter

The following bill was held on June 6, 1975 at the request of Senator Collins of Knox, pending Consideration:

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

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" (S-255).)

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

Mr. CIANCHETTE: Mr. President, for purposes of amendment, I move we reconsider our action whereby we passed L. D. 20, as amended, to be engrossed.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now moves that the Senate reconsider its action whereby L. D. 20, as amended, was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

On further motion by the same Senator, the Senate voted to reconsider its former action whereby Committee Amendment "A" was Adopted.

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

Mr. KATZ: Mr. President, apparently the Senator is about to offer another amendment, if this is defeated. I wonder if, before we take our action, he might explain his intent.

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

The Chair recognizes that Senator.

Mr. CIANCHETTE: Mr. President, I would be happy to answer that. As I understand the amendment, it clearly defines that this is a demonstration project. I think it states it in a little clearer terms than was presented in Committee Amendment "A". It also removes the need of a demonstration project in six communities and leaves to the discretion of the Public Utilities Commission to choose two medium sized municipalities and one large municipality, and not to exceed three communities, in which this demonstration project will be performed. Then it clearly states that the Public Utilities Commission shall evaluate the program and report to the 108th Legislature. I feel the intent is still there and it more clearly states the intent and purposes of the legislature.

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

Mr. KATZ: Mr. President, I would like to move that this bill and all its papers be indefinitely postponed and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President, when I came in this morning I found on my desk some comments circulated by Senator Cyr. This bill has troubled me. It is social welfare legislation, but it is not based on need, it is based purely on age. And it is an interesting program because it doesn't cost the state anything, it doesn't involve any appropriations, it doesn't involve the necessity of raising any taxes, and on that basis it might seem to be a pretty attractive proposal. But I think that this

bill and its approach is one that the Senate should reject.

I think that if there is reason to treat our elderly people with more largesse than we have, and I think that there is reason, that we should face up to the problem of indigent elderly with some kind of a program for energy stamps or something where all the taxpayers share in the cost. I think that such a program should be based upon need and not upon a blanket tossed over all our 62 year and older citizens in the State of Maine. And even though the Senator from Somerset, Senator Cianchette, is suggesting only a small three community demonstration project, I feel that this is an important departure from good sound common sense, and I think that this bill should be laid to rest.

I hope that if the Senate does want to wrestle with the question of indigent elderly and the soaring cost of energy, that we should do so rather more forthright than the proponents have directed a course of action for us. I request a division.

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

Mr. REEVES: Mr. President, my friend from Kennebec, Senator Katz, was not in the Senate Chambers when the Senate voted 17 to 12 to pass this bill, nor was he able to hear the debate concerning this. So, with the Senate's indulgence, I would like to point out a couple of points that were raised during that debate.

One is that this is not social welfare, as charged by the Central Maine Power Company in their sheet which was distributed last week. This is an attempt to provide for our senior citizens who use a small amount of electricity. This rate does not apply to those who have large houses who use over 500 kilowatts a month. This applies mostly for people who use 300 kilowatts a month or less. These people now pay the highest rate possible, whereas employees of the Bangor Hydro and Central Maine Power Company get their power for something like 2¼ cents per kilowatt hour, and whereby it costs the power company something in the neighborhood of 2½ cents per kilowatt hour.

This bill would provide for people 62 and over who use this small amount a flat rate of 3 cents per kilowatt hour, and this is to give them an opportunity to plan their use of power, those who are on fixed incomes, particularly those who are living on social security.

Now, in regard to this sheet that was handed out by the Central Maine Power Company, I would like to cover a few points in this.

No. 1, this is an experimental program, and I think that was the only way the Senate accepted it last time, the only way the committee accepted it, and the only way the Public Utilities Commission accepted it. So it is just a demonstration, it is just an experiment to find out if something like this would work, and considering the problem that our old people have, I think it is our duty to try this experiment.

No. 2, that people will benefit from this who don't need it. I think that the low threshold of under 500 kilowatts prevents that. And if an old person is living with their family, they are bound to use more than the limit in this bill. And for rich old people, who like all their lights on, who have a lot of appliances and whatever, this would not help them in any way. It is just for those people, and we all know many, who sit in the dark, who don't use their

appliances, who fear that they won't be able to pay their bill each month.

Now, my main point, of course, is that it is unfair to these people that they should be charged as much as 12 cents a kilowatt hour, which is what many of them are paying under the current rate system. So this is just an attempt to find out if there is a better way of doing it.

And as far as this item in here about fuel stamps, I mean, those people who recommend fuel stamps, this is really a red herring because fuel stamps would cost the company billions of dollars, I mean, just as the food stamps are costing. I would not advocate at this time that we subsidize all of the power companies in the country with a federal fuel stamp program; it is just not possible and it will never happen.

Is this a welfare program, as charged in this sheet? I think that we discussed that, and for the benefit of the Senator from Kennebec, Senator Katz, I would like to say just this: Why should the old person who uses so little pay the highest rate? Why should they subsidize everybody else? I think with a lot of these old people that they have always saved, they will go on saving, it is part of their life and I don't think we should penalize them for that.

As far as whether or not this program would work, it does work in other states and on a statewide basis. But I think for our own purposes here in Maine, I am more than willing to accept this compromise and have it as a one year demonstration program in three communities, and then let's see what happens. Thank you very much for the time.

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

Mr. CIANCHETTE: Mr. President, I want to thank the Senator from Somerset, Senator Reeves, for a very thorough explanation of this bill. I would like to point out that we have seen at least two sides of the Senator from Kennebec, Senator Katz, this morning already, and maybe his warm heart will show through again, and possibly he might even withdraw this motion after he has cooled off and seen the aspects of the whole bill, and with a warm heart toward the fine elderly people of this state, I am sure that the Senator would really like to see this bill passed. I don't want to put words in his mouth, but I would like to see him get up and withdraw his motion.

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

Mr. KATZ: Mr. President, no, sir, I shall not withdraw this motion. It is not a question of whether we favor additional compassionate services for our elderly at all. Where is the money going to come from, how much money is needed, to pay for this demonstration project? Part of it is going to come from my constituents with large families who are struggling to get along and who are having all kinds of problems with their power bills.

Now, if your idea of an answer to the needs of the elderly in this state is to give them some kind of preferential rate treatment based upon no proven need, but based upon the fact that they are 62 and they are using a limited amount of fuel, and say that everybody else who uses electricity is going to have to kick into the pot a little bit more, including all the low income people in this state, all the marginal people with large families, who are large users of electricity, this is not my

idea of compassionate social welfare legislation at all.

Somewhere this legislature has to face up to the fact that we are not putting enough dollars into the pockets of our senior citizens, and our motivations up until now have been largely based upon little things like transportation tax relief and the like. But if the high cost of energy is a problem with indigent elderly people in the State of Maine, and if you really share my desire to do something about it, don't have any feeling of justification that you are doing something by passing this; that for every ounce of compassion and help you are going to be giving the elderly you are going to, to the same extent, be putting some burden on the other people to pick up the slack. I really, really don't believe in this course of action at all.

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

Mr. CYR: Mr. President and Members of the Senate: I share the views of the Senator from Kennebec, Senator Katz, and I did express to you last week in the debate why I signed the Ought Not to Pass Report on this bill. However, I did soften it a little bit by saying that the amendment for pilot programs softened my stand a little bit. However, I still don't know what you are going to achieve by having a pilot program, because if the pilot program is unfavorable, that is the end of it; if it is favorable, then you are right back to the intention of this bill.

I am getting close to the age now where I will be benefitting by this bill. When I do, every time I am going to pay my electric bill, thinking that my own son with five young children will have to pick up the savings that I am going to make on it, I certainly am going to have a very bad feeling, a very ill feeling, in paying that. And this is exactly what we are asking with this bill to do. We are just transferring the load from one pair of shoulders to another pair of shoulders. And in many cases they are young families, they have a lot of washing and drying to do, and they have very heavy bills that they are going to have to contend with.

You might say that after 500 kilowatts it is not going to be affected. I think there are 118,000 senior citizens who would be affected by this bill. I think that figure came out last week in the debate. Well, assuming — let's say 120,000 for the sake of easier mathematics. Let's say that they save \$5 a month or \$50 a year on this bill. Multiply 50 by 120,000, and you are going to find out that this bill is going to cost you 5 or 6 million dollars a year. Now, that 5 or 6 million dollars is going to have to be spread on somebody's shoulders. And somebody's shoulders, as the good Senator from Kennebec just mentioned, they are going to be the low income, they are going to be your own children, and I don't believe we should do it.

Also, I can see a lot of administrative problems in regards to this. First of all, it is any senior citizen above the age of 62, regardless of his financial status. So right there, to me, that should defeat the bill. Also, I have in my town, for instance, an apartment for the elderly. It is heated electrically and everything in there is electric. Now, there is only one meter for the whole complex, just one meter, and then they divide it among the apartment tenants. Now, how are they going to figure the bills, the savings for the various elderly citizens that may be over 62 in that building? So I can see an awful lot of

problems with it, and I think the Senator from Kennebec is correct in his assessment of this bill.

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

Mr. REEVES: Mr. President, just one very short final word on this. I want to emphasize that it is a demonstration program, and I wonder how many of us here in this Senate have had the older people in our districts ask us to do something about the cost of electricity? This is just a demonstration to look into that problem.

And I would like to point out that about a year ago the PUC asked the telephone company to conduct a similar demonstration, which is just about to start now, to have a Lifeline telephone service, because this is another area, and we will see what comes of that. But when the Senator from Aroostook, Senator Cyr, says he doesn't want his children paying for him when he becomes 62 and benefits from this bill, well, these older people now, by paying 12 cents per kilowatt hour and more, are really subsidizing his children now who, if they use 500 kilowatt hours or more, generally are paying 3 cents a kilowatt hour, which is what most of us pay.

So this is just an attempt to find out if a system can be worked out whereby the old people who use a little could pay just the same rate we pay. I pay 3 cents a kilowatt hour, and I have worked it out by some means — and it has been so long now, I don't remember how — but if everyone over 62 benefitted from this bill, which is almost impossible, it would cost something like 19 cents increase on the average bill. Now, I question these figures because they weren't worked out in conjunction with the power company. But this opportunity will give the PUC a chance to evaluate it and report back to us. Thank you.

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

Mr. CYR: Mr. President and Members of the Senate: The good Senator from Kennebec, Senator Reeves, keeps referring to 12 cents. Now, 12 cents times 100 kilowatts is 12 dollars. Now, 100 kilowatts is not very many kilowatts. So I challenge that figure. I would like to see a bill for 100 kilowatts which says \$12 on it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that L. D. 20 and all its accompanying papers be indefinitely postponed.

A division has been requested. Will all those Senators in favor of the motion to indefinitely postpone this bill please rise in their places until counted.

A division was had. 15 having voted in the affirmative, and 14 having voted in the negative, the motion prevailed.

Mr. Katz of Kennebec then moved that the Senate reconsider its action whereby the Bill was Indefinitely Postponed, and Mr. Reeves of Kennebec subsequently requested a roll call.

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

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

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President, I move the roll call reconsideration be tabled for one day.

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

Thereupon, on motion by Mr. Speers of Kennebec, a division was had. Eight having voted in the affirmative, and 21 having voted in the negative, the tabling motion did not prevail.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby L. D. 20 was indefinitely postponed. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry, Carbonneau, Cianchette, Clifford, Conley, Cummings, Graham, Marcotte, Merrill, O'Leary, Pray, Reeves, Trotzky, Wyman.

NAYS: Senators R. Berry, Collins, Corson, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, McNally, Roberts, Speers, Thomas.

ABSENT: Senator Danton.

A roll call was had. 14 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with one Senator being absent, the motion to reconsider did not prevail.

Papers From the House

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

Enactors

An Act to Authorize the University of Maine to Proceed with the Development of a School of Medicine as Part of the Teaching Program of the University System. (S. P. 224) (L. D. 773)

Mr. Huber of Cumberland moved that the Bill be placed on the Appropriations Table, and Mr. Conley of Cumberland subsequently requested a division.

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

Mr. HUBER: Mr. President, I withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now requests permission to withdraw his motion to table. Is this the pleasure of the Senate?

It is a vote. Is it now the pleasure of the Senate that this bill be passed to be enacted?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I am in a state of confusion. I wonder what the intent of the Appropriations Chairman is. Was his intention to withdraw his motion for purposes of debate or to present it to be enacted? May I pose that as a question through the Chair?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to the Senator from Cumberland, Senator Huber, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. HUBER: Mr. President and Members of the Senate: I withdrew my motion for the purpose of debate and will still remake my motion when necessary.

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

Mr. BERRY: Mr. President, at 21 minutes past 12:00, it seems to me there are two courses of action the Senate might take. We could debate this thing at some length and then pass it, and then move reconsideration, at which time the good Senator from Cumberland could table it, knowing the results of the action, and it would go on the Appropriations Table after we had all given our little talks, or some kind soul might table it until later in today's session and we could all eat lunch.

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

Mr. Merrill of Cumberland then moved that the bill be tabled until later in today's session, pending Enactment.

On motion by Mr. Speers of Kennebec, a division was had. 12 having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

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

Mr. MERRILL: Mr. President, I think that this subject of a medical school has been discussed in this Senate enough so that every member here probably has made up his mind. I would like to make a couple of points in regard to the medical school, and then I would like to pose a question through the Chair to the Senator from Cumberland, Senator Huber.

I would like to say, first of all, that the costs of this medical school to the State of Maine, I think, have been looked at and scrutinized and the projected costs have been scrutinized by lots of different people that have been involved in this program, and I think that the final result of those scrutinies are in concurrence with the remarks that were made here when this bill passed, that the projections that have been made in regards to costs are accurate and that the per pupil costs anticipated down the road ten years are comparable to the costs that other medical schools are costing their states that are operated in a similar way, such as the one in Indiana. We are lucky to have hospitals available here we are lucky to have buildings available I think that these facilities will make it possible for us to get into a medical school with very little capital construction costs.

I would like to say just a couple of things in regards to points that were brought up earlier when we debated this bill and that I hope have been put to rest, but I am not sure that they have. We have, I think, in this state many physicians who are capable of providing teaching faculty to the medical school. At the present time, over fifty Maine physicians already hold medical school faculty appointments, and there are four former department chairmen that are available and committed to this program. And many of the full-time faculty of other medical schools are anxious to be involved in this program. We have available to this program hospital facilities in Portland, in central Maine and in Bangor, which would provide, I think, an interesting and exciting working experience for the people who are going through our medical school.

We have discussed this bill a great deal. I think that it is time we passed this bill and see where it carries from there. The Senate, I think in its wisdom, decided to reconsider and pass this legislation, and I

am glad to see it is back to us in the posture that it is today.

I would like to close my remarks by posing a question to the Chairman of the Appropriations Committee, the Senator from Cumberland, Senator Huber, in regards to why he feels it is necessary to put this item on the Appropriations Table, it being an authorization as it is, and it being my understanding that this involves no new costs to the state in this biennium.

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

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I am well aware of the fact that medical schools are expensive, and for those who are opposed to this form of education, the use of dollars expended has confused an uninformed public.

Frequently construction costs of teaching hospitals and scientific facilities are compounded with annual appropriations so that the listener is convinced that the exorbitant price tag is an annual and never ending expense. The University of Massachusetts is a prime example. Massachusetts spent approximately 65 million dollars for a teaching hospital and 55 million dollars on associated science facilities. But Maine is not going to have to build a hospital, nor are we going to have to build new science facilities.

To offset the scare syndrome of inflated costs in medical education, I would like to draw your attention to the December 1974 issue of the Journal of Medical Education, which I am sure none of you have. However, I have an excerpt from this which I had intended to get copied and handed out to you this afternoon, and I still will, no matter how this vote goes. In this journal there are listed the states' appropriations to their public medical schools. Should you be interested, I will give you a word of caution, because many states are supporting more than one medical school. For example, in California they have nine. Five medical schools are supported by the state legislature, which in fiscal 1973 appropriated a total of 41 million dollars for these schools. On the other hand, nine states with only one medical school ranged in appropriations in 1973 from 2.1 million dollars to 3.6 for operating costs. A few of these examples are: Vermont, which appropriated 2.2 — these are millions; Utah, which appropriated 2.5; West Virginia, 3.6; and Massachusetts, 3.4. That is for the operating. The University of Missouri at Kansas City received for fiscal year 1975, 1.7 million.

The medical school which is proposed in this bill is similar in design to these that are now being supported at not astronomical figures in these other states. Maine's school, when fully operational, anticipates a state appropriation of 1.8 million dollars. This is based on 1974 dollars. Let's stop saying that medical education is going to cost 50 million dollars a year. It is not. Our facilities are available, they are built, and we are not going to put any money into the bricks and mortar. Even California with five schools is not spending that amount. It is expensive, but the question is are the figures that you have been given honest? I have looked into them, I have asked questions of knowledgeable people who do not stand anything to gain by this, and

these figures are honest and they are verifiable. I will leave this here for those of you who would like to look at the costs of medical schools in other states, but I am sure that the figures that have been given to you are not made up figures just to lull you into a false sense of security so that you will pass this bill.

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

Mr. HUBER: Mr. President and Members of the Senate: In response to the question by the Senator from Cumberland, Senator Merrill, concerning the appropriation on this bill, the original bill under the fiscal note on page 1 says the funds for the '75-'77 biennium required by the passage of this act are enclosed in the appropriations request of the University of Maine and identified as health science education. Requested for fiscal year '75-'76 is \$100,000, part 1 only, and \$200,000 for the fiscal year '76-'77 combining part 1 and part II. In the Governor's budget document, L. D. 805, these figures were lowered to \$100,000 in the first year and \$90,000 in the second year.

Because the Appropriations Committee felt that this was a new service for the University, we removed the \$100,000 and the \$90,000 in L. D. 1909 so that this funding could be considered by the entire legislature as a separate item. Therefore, I think there is funding involved with this bill, substantial funding, and I think it should ultimately go on the Appropriations Table along with other funded items.

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

Mr. CYR: Mr. President and Members of the Senate: I didn't want to get involved in this. I have been voting for it right along. However, since we started on this, I have had a letter which disturbs me a little bit because the opponents, particularly the Senator from Kennebec, Senator Katz, are aware of the letter I have received. And so far, I have received no answer as to what is the alternative if we turn down this medical school.

As I understand it, Maine has an agreement with Vermont on the medical school. And as I understand it, also from this letter, we are supposed to have 53 slots available for our Maine people, and only seven are filled. If that is not correct — well, that is according to that letter — anyway, let me continue, and then you can possibly give us some answers.

The letter I received is from a young lady from Auburn who married a young man from my district, and the young man is now a freshman, in the first year of medical school at Vermont. I know the young man very well and I was instrumental in getting him into the University of Vermont. It took us two years to do it. In the meantime, of course, he obtained a master's degree and so forth and so on, but it was pretty difficult. Now, this young lady, whom he met at the University of Maine while they were both students there and got married there, the young lady was majoring in biology and zoology and obtained an average of 3.7 for the four years that she was at the University of Maine. I consider that a very good grade. Now, she wrote to me asking my support in trying to get here entered at the University of Vermont. She wants now to get a medical degree with her husband, and her intention, according to the letter, both of them want to return to the State of Maine and practice in a rural area. And this is exactly what we are talking about, rural doctors.

Well, as I mentioned, there is no slot available for her, there is no place, and she is not being accepted at the University of Vermont. In discussing this with the good Senator from Kennebec, Senator Katz, I asked him why, with a 3.7 average, why is she being refused. The answer that I got is that possibly there might have been some applicants with higher grades. Now, if this medical bill doesn't go through, I think probably we should revise our contracts with the University of Vermont and set a standard that if we are allowed 53 slots, it should be 53 slots for the highest grades of our people at the University of Maine, or from the State of Maine, and not across the country.

Also, as I understand it, we have \$100,000 available to help out these medical students that go to Vermont and Tufts. Well, that \$100,000 is just about what is required to fund for the next seven years, about \$100,000 a year, to fund this medical program.

So for those reasons, unless there is an answer that satisfies me, I am going to stick to my yes vote on the medical school, Mr. President. Thank you.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I want to move that L. D. 773 and all its accompanying papers be indefinitely postponed, and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. CARBONNEAU: Mr. President and Members of the Senate: As a freshman legislator, I rely heavily on the experience and knowledge of individuals in this body to help me make up my mind on bills which require technical expertise. We are indeed very fortunate in the Senate whereby we do have technical knowledge and expertise on practically any and all types of bills that come before us. Sometimes we have bills that in my judgment require the expertise of more than one type of individual, and I think the medical school bill is such a bill.

Some time ago the bill came to us and was debated, tabled, retabled, taken off the table, amended, and sent to the other body where the same process took place. It then passed and it is now before us. During this period of time I received many letters, telegrams, phone calls, here and at home, all from doctors asking me to support this bill.

Now we are asked to fund a medical school at a cost of approximately \$100,000 the first year and about the same the second. And it is projected that six or ten years from now that same medical school will cost Maine taxpayers anywhere from 10 to 50 million dollars per year. Mr. President and Members of the Senate, did you know that the State of Maine has \$365,000 budgeted this year to help educate dental and doctor students at Tufts College and the University of Vermont? I guess maybe that answers the question Senator Cyr brought up a little while ago about the \$100,000. You can verify these figures with Legislative Finance; that is where I got them. And I might add that after the oncoming meeting between the University of Vermont, Tufts College, and State of Maine officials, the amount of subsidies will be over one-half million dollars. Now, I don't know how long this has been going on, but I think we should start thinking of the poor taxpayer who has a hard time sending his children through high school. I think we should first put the child through

elementary and high school before we make him a doctor or a dentist. Let us put the horse in front of the cart and not behind it. As you know, in the long run it is much easier to pull than to push.

Some time ago during debate on this bill the good Senator from Kennebec, Senator Katz, put it in the right perspective when he said we can't afford it and, two, wait until you have to become accredited; that is when you will have to spend real money. And that was seconded by the good Senator from Kennebec also, Senator Thomas, both of which I consider experts in the field of education, for my money, and both of which I rely heavily upon in matters of education.

You have no doubt noticed that I am against this bill, and my reasons are very basic. Again I will repeat, we can't afford it, and if we do pass this bill, we will create a white elephant that our children will have to pay for the rest of their lives. Young people today don't want to become general practitioners, they want to be specialists because that is where the money is.

Last night I had a call at home from a lady who has a nephew that became a doctor two years ago in Canada in a small town, and he went there to be a general practitioner. After two years of serving in that small community, he went out and took two other courses, and now he is a specialist and works in Quebec City.

I have called doctors and dentists besides those that wrote to me or called me, and none of them want this school. When asked why some doctors do and some don't, the answer was that those that do want the school would send their own kids there because it would be much cheaper for them. I put two boys through college and the state did not help me.

Now, if you will amend this bill to read that the state will not budget any more than \$100,000 per year ever, and that the federal government will fund \$1.3 million dollars a year forever, then I might buy it. And this we all know is next to impossible.

Instead of funding a medical school bill, let's pass a law that would read that 10 percent of all budget surplus will be put aside for a medical school. Who knows, maybe ten years from now we will have accumulated a million dollars or more.

At the beginning of this session the chief executive asked us not to dream of any new programs unless we could make them pay for themselves, and I suggest that if we pass this bill we are inviting another veto.

Now, what about the federal seed money programs in the mental health area? Just to give you an idea of how the federal government works, now you get 1.3 million dollars to start out with, and five or six or seven years from now there is no more federal money. Who is going to pay for it? The state. Eight years ago the federal government put in seed money for mental health areas in the state, \$800,000 a year. So we started three new mental health centers, southern, northern and central. During the same period of time we, the state, started a program of reducing our mental institutions' population, and we did just that, rightly or wrongly. Now, when we did reduce the population we had federal money, and now we don't. You see, many of these deinstitutionalized patients need follow-up help, and they get that help through these centers that we created some years ago with federal money.

There is a report which was put on your desks last week which I would very strongly suggest you take the time to read,

deinstitutionalization in Maine, the study that was conducted throughout the area. That will tell you many stories about what is happening to these patients that are relieved from the institutions and are put back into society.

So, what I am saying is that actually the 1.3 million in federal money right now will disappear within a few years. I hope you will support my motion.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Carboneau, that L.D. 773 be indefinitely postponed.

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

Mr. O'LEARY: Mr. President, I didn't intend to get mixed up in this debate, but I would oppose the motion by the good Senator from Androscoggin, Senator Carboneau. I wrote briefly a few notes to myself here. I didn't have time to elaborately prepare for this as I didn't know I was going to speak.

Mr. President and Members of the Senate, when I first came to the legislature in 1963 there were perhaps approximately 1700 or 1800 students at the University of Maine. At the present time I think we are between 6,000 and 8,000. We have plenty of lawyers and we don't need more at this time, but yet we continue our Maine Law School. We have a lot of engineers, a lot of them unemployed, and we continue to educate more. We have an excess of teachers, yet we continue to educate more. We do need doctors, and it is time that we start to educate some for ourselves, and it is time for the University of Maine to set some new priorities. Thank you.

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

Mr. WYMAN: Mr. President and Members of the Senate: I can only agree with the good Senator from Cumberland, Senator Merrill, and the assistant majority leader, Mrs. Cummings, who have spoken on this. I think this should have a high priority. Now, it was not my bill but I have dug into it quite a lot. I find that in the past ten years it has been studied four times, and the studies have all reached the same conclusion.

The last study was by the University of Maine, and they asked Dr. Freeman to make a study. I am told that Dr. Freeman was definitely against it in the beginning, but after studying it carefully he reversed his thinking and recommended a medical school. So like many other matters, this has been studied to death, and all of the studies by independent groups reached the same conclusion, that we should have this medical school. Doesn't all this mean that there is a problem and that we should do something about it?

We talked about, in the previous debate, I think, the buildings that are available and the possibility of cooperation from the colleges that are already here, and Dr. Ohler, Chief of Staff at the Veterans Hospital in Togus, advises that the Veterans Administration will start by spending approximately one million dollars in remodeling rooms for this teaching program.

It was developed in a debate in the Senate previously that Maine has one of the lowest ratios of doctors to population in the United States, something like one doctor to each 2,000 people, much lower than the majority of other states.

Admittedly, over a period of time, this is going to cost money, and although there

will be a great deal of federal money generated, it is true that it will cost Maine taxpayers dollars, but what is more important than the health of our people, which it seems to me should be given the highest priority. After all, we spend a great deal of money sending boys and girls to the University of Maine to give them an education in teaching, as well as in other fields for which there are no jobs available. For general practitioners, there are surely plenty of jobs available. Once again, what is more important than the health of our citizens?

I certainly hope that you will vote to support this bill.

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

Mr. KATZ: Mr. President, the Senator from Washington, Senator Wyman, is in error. The first massive report on a medical school was in 1965 by Dr. Treslow. It cost us \$60,000. It was a remarkable report. It told us all kinds of things about us that we didn't know. It was done outside of the University of Maine. It was not done where the people who hired you had some vested interest in the answer that came out of the mill in the bottom. Dr. Treslow surprised everybody in the state by recommending strongly against a University of Maine medical school. He pointed out that we had no foundation to build upon, that our academic programs, particularly in the sciences, were inadequate. And he said that before we even talked about getting into a medical school there were certain things we had to do, and he enumerated them. We have done some of them, but there is an awful lot of them that we haven't done and haven't even tackled. The reason we haven't tackled them is that they have been too darn expensive to tackle, and I am talking about upgrading our science capabilities at undergraduate level at the University of Maine.

The Senator from Penobscot, our gracious assistant majority leader, suggests that the costs of the medical schools that she read out today are a pretty good indication of what it is going to cost us, but I call out to you that so far as I know, every blessed medical school that was in the list accepts contract students from outside the state. Why do they accept contract students? Because of the money. Because they can't afford to run the medical schools just with in-state money. Now, if we are going to be comparing apples and apples, we have to be prepared to say that the University of Maine medical school is going to take in contract students from other states. That will give us more money and reduce the appropriations that this and future legislatures will have to make. But if we do take in outside contract students, then we close the door for access for Maine youngsters.

Now, the debate on this medical school from start to finish has been a debate of good faith but it has gone in so many mysterious ways: 1, we have got health problems in the state. 2, we don't have a medical school. 3, build a medical school. 4, we will solve our health problems or make progress in solving them. Now, the Ford Foundation spent a lot of money at the University of California at Berkeley to find out that there is no demonstrable relationship between the incidence of doctors in a state and the expectancy of life of the people living in that state. Now, one's expectancy of life certainly would be a basic profit that one would expect from

better health care, and it cost the Ford Foundation a lot of money to find out and say there is no evidence at all that this is true.

Perhaps some of you have seen exhaustive studies that indicate Vermont's health care system is amongst the most expensive in the country. Now, they have got a medical school there and you would be able to say, hey, we have produced all these doctors; we are not only going to have available medical doctors but we are going to have them at a price we can afford. No such thing.

What are the alternatives? And I deeply want to apologize to the Senator from Aroostook, Senator Cyr, for not giving adequate responses. I don't know why the young lady he mentioned was not admitted into medical school. But I do know that the existence of a medical school in Maine will be no more guarantee that your constituents' youngsters are going to be admitted to medical school and be able to become doctors than the existence of a law school in Maine has made access pretty darn rosy for Maine kids. Now, whether we need lawyers or not, the fact is that there are hundreds of Maine kids this year who are going through the heartbreak of saying we would like to be lawyers but we can't be admitted, and we have a law school. So I don't think the existence of a medical school is going to solve anyone's problems unless the legislature pokes its nose into it and says all students in the school must be Maine youngsters, and I think you will find that the Maine youngsters who presently go to Harvard, California, or other top-notch schools in the United States will continue going to them, and we will get, to a great extent, what is left. And these are the youngsters you are suggesting are going to solve our health problems because they are going to go to the University of Maine medical school after having gone, presumably, as a University of Maine undergraduate, and then they are going to go into our Maine hospitals for Maine residencies, and they are going to get out and they are going to practice in medicine in Maine small communities, and what kind of quality of health care are we buying for our dollars?

Let me tell you a couple of other things because I think there are alternatives such as health care centers which are just starting up in the United States, a proliferation of the residency programs which are expanding in the State of Maine and have some bright times ahead of them. I haven't flooded any of you with material. I figured you had enough material coming to you from constituents. But we do know something about the availability of health education in New England.

Earlier this year, on February 3rd, as Chairman of the New England Board of Higher Education, I sat down with the Dean of Tufts Medical School and of B.U. Medical School and we talked about availability of spaces, also Vermont. Tufts made us a rather firm proposal at the time. Tufts wants to start educating Maine youngsters, and they expressed interest in starting a year from September in taking ten Maine youngsters. The total cost to the State of Maine and to Maine students would be \$8,100 a year. Tufts would be subsidizing us at that price. To some extent the resources of Tufts would be subsidizing the taxpayers of the State of Maine. When you talk about medical education in Maine, you are talking about Tufts and you are talking about the

Bingham Foundation, which has done so much in the Maine Medical Center and is now interested in Eastern Maine General. You are talking about Tufts and Bingham, because most of the developments in teaching in the State of Maine have been from those two directions, and Tufts has expressed in writing a very firm desire, not because we have a possible medical school, but because they have an orientation towards the State of Maine, \$8,100 combination; you can divide it up any way you want, so much for the student and so much for the taxpayer.

The problem with the Maine medical school is that we are not going to have anybody underwriting any of our costs. We can't take contract students from California because that will reduce the access for Maine kids. We can't look for underwriting from other institutions because we are the institution. Well, I guess, what I am saying here is that we are making some basic errors in judgment. We are equating the establishment of a medical school in Maine with a greater availability of the doctors we want, where we want them, when we want them. We are equating the existence of these doctors with improved health care for Maine people, particularly in the rural areas, and I say to you that there is not one shred of evidence that this promise can be adhered to by those who sincerely and honestly make it to you today, no way.

We are choosing — and I said this the first time this thing came on the floor of the Senate some years ago — we are pursuing, with altruism and compassion in our hearts, the most expensive kind of education there is in the world, educating doctors. And we are pursuing it with the simplistic attitude that just the pursuit is going to solve our problems. And it isn't. What it will do is create some very, very expensive problems for future legislatures. It will, without any question in my mind, reduce our capacity to meet other state needs. From the University's point of view, I think the University is in an outrageously disadvantageous position, and they are acting to the disadvantage of the future of the University by knowingly getting into a posture of draining off tax resources that properly should be going to the fulfillment of the basic functions of the University.

These are some of the reasons why I say that I applaud the goal and I suspect that the lobby that has been operating around here has probably been much more persuasive than I. As a matter of fact, there hasn't been anybody lobbying on the other point of view, and I suspect that many of you have sincerely made up your minds that they are right and that those of us who have misgivings are wrong, but I ask you to take another look at this twelfth hour.

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

Mr. MERRILL: Mr. President and Members of the Senate: In looking at the future and trying to decide what would be best for the health care of the people of Maine, I don't think any of us approach it with the absolute certainty that we are right and others are wrong. We try to make judgments about what will bring us the results we want in the future, and I think we are always aware that there is an uncertainty. If we demanded absolute certainty before we took any steps to improve health care, I am afraid that the conditions would continue to deteriorate as they are today.

I would just like to make a couple points in regard to this school. First of all, we heard about a Ford Foundation study that found there was no relationship between the number of doctors vis-a-vis the population and life expectancy. Well, that study is about as ludicrous as the one that Senator Corson and others have pointed to, I think, because to accept the logical conclusion of that, pushed to the extreme, one has to say that there is no relationship between doctors and health care delivery. Obviously, if there were no doctors, to take the extreme situation, that would have a negative effect on health care, I think. I think as we have more doctors available to find problems as they develop, we are going to have more preventative medicine and we are going to help people solve the medical problems that we have in this state.

I think it is interesting to point out that Maine is one of the few states in the nation that has no medical school within its boundaries. It is the only state in New England that has none. And we at the same time suffer one of the worst medical records of any state in the nation. As has been pointed out earlier, we lead the nation in death per capita due to heart attacks. I think that this relationship is more than a casual one. I think it is a causal one, and I think that the Ford Foundation results are ludicrous on their face.

As far as the Maine Law School and its relationship to the answer to people getting in, obviously there is no way to assure that everybody who is from Maine who wants to go to medical school, or even who wants to and is qualified is going to be able to get in. But I can say as a graduate of the University of Maine Law School, if we want to use that as a comparison, that the existence of that school has made it possible for more people from Maine to follow a legal career and to have a legal education. But that is not the crucial point. The crucial point shouldn't be what happens with the few people that will have the great opportunity to enjoy a medical education at our medical school in Maine. The crucial point is the people that need the services of the doctors that we can graduate from that medical school, and I think that is what you have to look at.

Now, when the question of quality is raised, I really think that this is a very unfair and very deceptive argument. There are many, many Maine students every year who are perfectly qualified to get into medical school, good medical schools, who are turned down. And the schools that turn them down would be the first to point out that they are perfectly qualified to be physicians. I think that these people can get into this medical school, even if the others continue to go to other schools, and we will graduate perfectly good people who will be perfectly good doctors. I think that this is an elitist argument that isn't accurate. And if we want to talk about the Maine Law School as an example, with present company excepted, I am perfectly willing to say that the Maine Law School is graduating young lawyers who are very capable people, and when they gain the experience of a few years, as many of them have, they will make a contribution to the legal profession in the State of Maine. The same will be true with the people we educate at our medical school. We can do a good job in Maine, and the Maine people who would want to go to that medical school will do a good job, I am certain, if they do and if they become doctors by that experience. So I don't think that is an argument. I think we can have a quality school, as other

states our size have. The real question is whether we want to make this commitment of monies to the medical health care delivery in Maine, and I think that we should. As a matter of fact, I think that we must.

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

Mrs. CUMMINGS: Mr. President, I think that some of the things that have been said about the wild statements that perhaps all of the rural health problems would be solved by a medical school perhaps have been exaggerated by the listener as well as the speaker, and there is very little truth in that, but enough in it so that I think perhaps a medical school would contribute to the basic health care of those in rural sections.

Of the schools that I mentioned, neither Missouri nor New Mexico take these contract students. And even though Vermont does, they have limited themselves so that at this point they will take only seven Maine students a year. And as we all have had probably many personal experiences, there are many more students than that who want to go.

I think that actually one of the biggest benefits that will come from a medical school is the caliber of residencies. One of the previous speakers mentioned that the medical residencies are one of the bright stars in this future of Maine, and it is true. Residencies also have their graduations, and I think that Maine would be more attractive and that we would get a higher caliber of student had we a medical school to back them up, a medical school that would attract not only the teachers, with the various and sundry satellites, but medical exposures that would come, which would mean that the residencies would be more attractive to these higher caliber students.

I cannot quote where I heard this, and I don't think I am making it up out of whole cloth, that there is a higher proportion of residency students who stay in the area that they serve as their residencies, and this perhaps in the long run would be one of the strongest points that would keep the doctors within the State of Maine.

At the moment, the University of Vermont proposal, the tuition and subsidy per student per year is \$10,100, the Tufts proposal is \$8,100, and the University of Maine proposal is \$9,400. There is also the average cost of living expenses of \$5,000. Of the students that we send out of state, of course, this \$5,000 is spent in the states that they go to as students, something that we could certainly make good use of here.

This proposal eventually would end up with 200 students. We would be able to accept 50 students a year, and I am sure that the facts that these slots are available would upgrade the scientific curriculum in the colleges that would be preparing, giving these students pre-med, and that it would go hand in glove onward and upward into a beautiful medical school.

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

Mr. KATZ: Mr. President, may I briefly address my attention to the University of Vermont Medical School and perhaps underline the point I am trying to make. If Maine does create a school with 200 students, the policy decision is where do those students come from? Are they all going to come from Maine, or, as in the case of the Law School which has emerged into an excellent school, do we strictly limit the admission of Maine youngsters and take in youngsters from the other five

New England States and elsewhere in the United States? And as we have done that and taken the best students, wherever they come from, we have upgraded the University of Maine Law School.

Where does the University of Vermont get its students from? Well, at the present time, the school year '74-'75, Massachusetts has contracted for 100 spaces, Maine has contracted 55 spaces, and Rhode Island has contracted 20 spaces. That is 175 spaces. This is the existing school year, which I presume is probably over now. Now, not all those spaces were taken up — a handful of them weren't — but if they were all filled up with contract students, the extra revenue to the University of Vermont, because each of them brought a \$5,000 little taxpayers' bonus with them, is \$875,000 a year. Now, either Maine is going to open up its doors to vast numbers of contract students and reduce our legislative appropriation, or it is going to be a school for Maine youngsters and take in Maine kids, and you can't have it both ways. You either have to strictly cut down on the number of Maine youngsters or be prepared for a whacking good appropriation, and I don't know what course the trustees of the University would follow.

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

Mr. THOMAS: Mr. President, I realize the hour is late and we have been debating this issue for quite a while, and I am quite sure that most of you understand my position on the issue.

Senator Cummings is correct in what she stated about the residencies at the Maine Medical Center. At the hearing, testimony was given that there were sixteen residents and twelve would like to come back to Maine, but none of them indicated a rural area. And it is the rural area that I wish to speak about now, as Senator Carbonneau from Androscoggin mentioned.

I don't know how many of you people are familiar with the situation in Jackman, Maine, but being a resident of central Maine, I naturally am. Jackman has a very nice small hospital called St. Joseph Marie. For the last ten or twelve years they have advertised all over this country for doctors. I believe the salary is \$15,000 and all you can make on the side. The town appropriates the salary. Every year they get a doctor and every year they lose the doctor. As you enter the Town of Jackman, as you come up over the high hill, the Switzerland of Maine — I can see the sign now — 40 miles from Moosehead Lake, Squaw Mountain, Attean Pond is right there. If you are a good four seasons sportsman doctor, it is an ideal situation. I happen to know the doctor before last is a specialist now in the City of Waterville. There is no doctor in Jackman now. The hospital of which I am a trustee takes care of that hospital by sending a doctor daily to Jackman.

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

Mr. WYMAN: Mr. President and Members of the Senate: I agree with the good Senator from Kennebec that this has been belabored for a long time and I don't want to say very much more. I think what he said though just now indicates that we do need doctors, and desperately, and this medical school very well may have a doctor who will go and live in Jackman.

As far as the comment that there is no relationship between the health of our people in the country in general and medical schools and doctors, I just can't subscribe to that. There have been a number of studies and I could have given others. I could have mentioned a study by Harvard that recommended a medical school. And finally, what is more important than the health of our people? So please give this a try.

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

Mrs. CUMMINGS: Mr. President, I ask that when the vote is taken it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than 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 Androscoggin, Senator Carbonneau, that the Senate indefinitely postpone L. D. 773 and all its accompanying papers. 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 E. Berry, R. Berry, Carbonneau, Corson, Danton, Graffam, Hichens, Huber, Jackson, Katz, McNally, Reeves, Roberts, Speers, Thomas.

NAYS: Senators Cianchette, Clifford, Collins, Conley, Cummings, Curtis, Cyr, Gahagan, Graham, Greeley, Johnston, Marcotte, Merrill, O'Leary, Pray, Trotzky, Wyman.

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

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

Emergency

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

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

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

On motion by Mrs. Cummings of Penobscot,
Recessed until 2:30 o'clock this afternoon.

After Recess

Called to order by the President.

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Extend the Provisions of the Energy Emergency Proclamation", (H. P. 1152) (L. D. 1446), the President appointed the following Conferees on the part of the Senate:

Senators:
ROBERTS of York
MARCOTTE of York

TROTZKY of Penobscot

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), the President appointed the following Conferees on the part of the Senate:

Senators:
COLLINS of Knox
TROTZKY of Penobscot
O'LEARY of Oxford

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Certain Overtime Exemptions under Minimum Wage Law", (H. P. 401) (L. D. 490), the President appointed the following Conferees on the part of the Senate:

Senators:
JACKSON of Cumberland
DANTON of York
PRAY of Penobscot

Committee of Conference

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

Senators:
WYMAN of Washington
CUMMINGS of Penobscot
CLIFFORD of Androscoggin

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,
Recessed until the sound of the bell.

After Recess

Senate called to order by the President. The President laid before the Senate the following tabled and Specially Assigned matter:

Joint Order — Relative to Legislative Council study county government and establishing a Joint Select Committee on County Government. (H. P. 1670)

Tabled — earlier in the day by Senator Conley of Cumberland.

Pending — Passage.
(In the House — Read and Passed.)
On motion by Mr. Speers of Kennebec, retabled pending Passage.

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

Bill, "An Act Concerning the Land Use Regulation Statutes." (H. P. 1040) (L. D. 1330)

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

Pending — Adoption of House Amendment "B" (H-642) to Committee Amendment "A" (H-558).

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

Thereupon, House Amendment "B" to Committee Amendment "A" was Adopted and Committee Amendment "A", as Amended by House Amendment "B" Thereto, was Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

House Reports — from the Committee on Taxation — Bill, "An Act Relating to Improved Property Tax Administration." (H. P. 882) (L. D. 1150) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-649); Minority Report — Ought Not to Pass.

Tabled — Earlier in the day by Senator Greeley of Waldo.

Pending — Motion of Senator Wyman of Washington to Accept the Minority Ought Not to Pass Report.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-649).)

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

Mr. MERRILL: Mr. President, has a division or a roll call been requested on this item?

The PRESIDENT: The Chair would answer in the negative.

Mr. MERRILL: Mr. President, I would request that we have a division when the vote is taken.

The PRESIDENT: The Chair was in error, Senator Merrill. The Senator from Kennebec, Senator Katz, did request a roll call and the same has been ordered.

Mr. MERRILL: I am sure that this matter is still fresh in the minds of the Senate. I would just like to say that I think this is an important and necessary tool to improving our tax assessing system here in Maine and picking up a little bit more money on this transfer tax. It would be my hope that the Senate would vote down this motion to accept the Ought Not to Pass Report, accept this bill Ought to Pass, and if you do have some trouble with the bill or some questions about it, we can discuss those after the session is over today and deal with them, if you are not satisfied, tomorrow when the bill receives its second reading.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE: Mr. President and Members of the Senate; Very briefly, I would like to remind this body that there were nine registrars there at the hearing, and all were of the opinion that this proposed legislation is unworkable. This bill, if enacted, will directly affect both the operations of the registry of deeds and the privilege of recording instruments in the registry. For this reason, I hope that you would support the position of the Senator from Washington, Senator Wyman.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Washington, Senator Wyman that the Senate accept the Minority Ought Not to Pass Report of the Committee. A roll call has been ordered. A "Yes" vote will be in favor of accepting the Minority Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators R. Berry, Carbonneau, Collins, Corson, Danton, Gahagan, Graffam, Greeley, Hichens, Huber, Marcotte, McNally, O'Leary, Roberts, Thomas, Trotzky.

NAYS: Senators E. Berry, Cianchette, Clifford, Conley, Cummings, Curtis, Cyr, Graham, Jackson, Johnston, Katz, Merrill, Pray, Reeves, Speers, Sewall.

ABSENT: Senator Wyman.

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

Mr. Merrill of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, pending Acceptance of the Majority Ought to Pass Report of the Committee.

On motion by Mr. Cianchette of Somerset, a division was had. One having voted in the affirmative, and 31 having voted in the negative, the motion did not prevail.

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

Mr. MERRILL: Mr. President, I would feel more embarrassed in voting against my own tabling motion if the precedent hadn't been set by the good majority leader earlier on in the session.

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

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

A division was had. 16 having voted in the affirmative, and 14 having voted in the negative, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once.

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

Mr. SPEERS: Mr. President, a point of order: Would the Chair restate the vote on the motion to accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Chair would advise the Senator the vote on the Minority Ought Not to Pass Report was 16 Senators in favor and 16 Senators opposed, so the motion did not carry.

The Secretary will read Committee Amendment "A".

Committee Amendment "A" was Read and Adopted in concurrence.

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

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

Mr. CONLEY: Mr. President, I would hope the Senate would vote against the motion to indefinitely postpone and allow this bill to continue on its way. I am sure that there will be more debate on this bill at a further time.

The PRESIDENT: The Chair will order a division. Will all those Senators in favor of the motion to indefinitely postpone this bill and accompanying papers please rise in their places until counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Conley, requests permission to withdraw his motion for a roll call. Is this the pleasure of the Senate?

It is a vote.

The Chair will order a division. Will all those in favor of the motion to indefinitely postpone please rise in their places until counted.

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

The PRESIDENT: A roll call has been requested. Will all those Senators in favor of ordering a roll call please rise in their places 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 Cumberland, Senator Berry, that L.D. 1150 be indefinitely postponed. A "Yes" vote will be in favor of indefinitely postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators R. Berry, Carbonneau, Collins, Corson, Danton, Gahagan, Graffam, Greeley, Hichens, Huber, Johnston, Marcotte, McNally, O'Leary, Thomas, Trotzky.

NAYS: Senators E. Berry, Cianchette, Clifford, Conley, Cummings, Curtis, Cyr, Graham, Jackson, Katz, Merrill, Pray, Reeves, Roberts, Speers.

ABSENT: Senator Wyman.

Mr. Roberts of York was granted leave of the Senate to change his vote from "No" to "Yes".

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

Mr. Berry of Cumberland then moved that the Senate reconsider its action whereby the Bill was Indefinitely Postponed.

Whereupon, Mr. Cyr of Aroostook moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Cumberland to Reconsider Indefinitely Postponement.

On motion by Mr. Berry of Cumberland, a division was had. 12 having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby this Bill was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

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

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

HOUSE REPORTS — from the Committee on Natural Resources — Bill, "An Act Relating to the Saco River Corridor Commission Law." (H. P. 1123) (L. D. 1401) Report "A" — Ought to Pass as Amended by Committee Amendment "A" (H-625); Report "B" — Ought to Pass as Amended by Committee Amendment "B" (676); Report "C" — Ought to Pass as Amended by Committee Amendment "C" (H-627); Report "D" — Ought Not to Pass.

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

Pending — Acceptance of Any Report.

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

Mr. TROTZKY: Mr. President, I move that L. D. 1401 and all its accompanying

papers be indefinitely postponed, and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: This concerns Lake Arrowhead Estates, which is a large development in southern Maine of 300 lots on 1500 acres. There is a court suit right now, the company is in the courts, and I don't believe that it is right for the legislature to start changing the laws, so I hope that you will go along with the indefinite postponement of this bill.

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

Mr. MERRILL: Mr. President, I would ask that there be a division when the vote is taken.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President, I am connected with the company which has this development and, therefore, I request that I be given permission not to vote on this as I believe I have a conflict of interest.

The PRESIDENT: The Senator from York, Senator Roberts, now requests that the Senate permit him not to vote on this issue because of a possibility of an apparent conflict of interest. Is this the pleasure of the Senate?

It is a vote.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Trotzky, that this bill be indefinitely postponed please rise in their places until counted.

A division was had. 22 having voted in the affirmative, and eight having voted in the negative, the motion prevailed.

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

Mr. O'LEARY: Mr. President, having voted on the prevailing side, I move reconsideration and hope everyone votes against me.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

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

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

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

Tabled — earlier in the day by Senator Corson of Somerset.

Pending — Enactment.

(In the House — Passed to be Enacted.)

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

Mr. CORSON: Mr. President, I move that the Senate, under suspension of the rules, reconsider its action whereby this bill was passed to be engrossed. The reason for my motion is that I would like to put on an amendment. As the bill as presently constituted, it is incorporating two other townships at the same time. It is not what anybody involved in this wants to do so, therefore, I would like to later offer this amendment which would clarify the language of the bill.

The PRESIDENT: The Senator from

Somerset, Senator Corson, now moves that the Senate reconsider its action whereby L. D. 1218 was passed to be engrossed. Is this the pleasure of the Senate?

It is a vote.

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

Senate Amendment "A", Filing No. S-283, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by House Amendment "A" (H-629).)

(In the Senate — House Amendment "A" Indefinitely Postponed, in non-concurrence.)

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

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

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

Tabled — earlier in the day by Senator Collins of Knox.

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

(In the House — Passed to be Engrossed.)

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

Mr. THOMAS: As I mentioned this morning, Mr. President and Members of the Senate, this item and the two other items in your printed journal on page 14, numbers 10 and 11, are accompanying bills. The three must go together. We either pass them all or they are all defeated.

These are known as freedom of choice legislation. L. D. 1302, 1303, and 1304. They are being supported by the Commissioner of the Department of Mental Health and Corrections, the Director of Bureau of Mental Health, all eight community mental health centers of the State of Maine, all mental health institutes in the State of Maine, the Maine Psychological Association, a large number of physicians, social workers, attorneys, hospital administrators, clergy, consumer groups and private citizens.

Psychologists provide over 50 percent of the mental health services in this state. They are licensed in Maine and 47 other states, and certified in the remaining two states as independent highly qualified mental health professionals.

All federal insurance policies and most federal and state legislation recognize psychologists as professional and

independent providers of mental health services. Many private insurance carriers likewise recognize psychologists as independent mental health care providers.

Over 80 million people in this country are now covered by insurance contracts that allow them to be reimbursed for mental health services provided by licensed psychologists operating within the scope of their license. Psychologists are a highly educated, carefully screened group, licensed and monitored by the Board of Examiners of Psychologists and a professional standard review committee and subject to strict professional and ethical standards. They are accepted worldwide as independent, highly qualified, professional providers of mental health services. In fact, interestingly enough, many psychiatrists are trained or educated by psychologists in universities, research laboratories and mental health hospitals and clinics. Licensure of psychologists requires a doctorate degree in psychology, plus two years of supervised internship in mental health practice and the passing of a strict written, oral and ethical standard tests.

The data to date suggests that insurance costs do not go up when psychologists are included as mental health care providers. When psychologists are included in mental health care coverage we find that utilization of other medical services tends to go down. Inasmuch as many people who utilize medical service facilities are individuals with psychological or emotional problems, correct identification of such problems and provision of appropriate services tends therefore to cut down both outpatient and inpatient medical utilization by such individuals.

The savings obtained here apparently compensate for any cost incurred by the inclusion of insurance coverage for psychological services provided by psychologists.

This legislation appears to make good sense from professional, humanistic, ethical and economic prospectus; This is consumer legislation, and I urge acceptance of the Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Thomas, now moves that the Senate accept the Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: I have no quarrel with the Chairman of the Committee on Business Legislation concerning the great value of psychologists. I have a number of times referred clients to psychologists when I might have referred those same clients to psychiatrists because I felt they were the appropriate counseling place, but I raise the question about these three bills more as a technician than as a broad policy maker. I became interested in the ongoing disagreement between the psychiatrists as a profession and the psychologists as a profession, both of them working in mental health fields, because of at least four bills that came before the Judiciary Committee. One of them I made remarks about earlier today, and we have enacted into law a couple of the other bills where this issue surfaced.

The problem that I have with these three bills is that we are asking the legislature essentially to rewrite certain contracts already in existence — these, of course, are primarily the Blue Cross-Blue Shield type contracts — because what we are saying in these three bills is that if, for

example, Blue Cross pays for the services of a psychiatrist under its insurance contract, they must also pay if these services are provided by a psychologist.

This same issue has been before the courts in other parts of the country and I would like to give you the case that seems to me squarely in point from the State of Washington. This was a case where the conflict was between those practicing optometry and those who are M.D.s practicing ophthalmology. The case is known as Ketchum against the King County Medical Service Corporation, and the court held in that case that there was a distinction between these two arts affecting the standards for the practice of medicine or the operation of hospitals, on the one hand, or the practice of optometry, and to provide a financial indemnity to one branch at the expense of the other was not the intent of those contracts.

Now, these bills are to guarantee payment to psychologists for their services, whereas, the existing program that Blue Cross has is to pay for services of MD's that we call psychiatrists. So this brings us into a number of public policy considerations. The bill, I have noted, have some headings entitled "Mental Health Services". We have to look in examining these bills at the licensing laws of the State of Maine. The Maine Psychological Association has, of course, dwelled upon this term "Freedom of Choice", and I think no one would argue that every patient should have a freedom of choice in selecting their health advisor, but that isn't the problem here. The problem is the contracts that exist between Blue Cross and the subscriber, on the one hand, and Blue Cross and various professional groups, hospitals, doctors, medical associations, on the other hand. And what subsection 2 of this bill says is that regardless of whether Blue Cross has a contract with a psychologist, it will be required to pay the psychologist for services he provides if Blue Cross has contracts with psychiatrists and provides the delineated coverage. What this means is that psychiatrists have to contract with Blue Cross and they guarantee to provide services to Blue Cross members in order to be paid. Psychologists, under this legislation, are not required to contract with Blue Cross and are not required to guarantee that they will provide service to members.

So this would defeat the entire purpose for which the legislature enables non-profit hospital and medical services organizations mainly to enter into contracts with providers on behalf of its membership and to negotiate the charges for such services. We have all seen, if we subscribe to Blue Cross, these lists of various services and the prices that are permitted under the schedule. As a matter of fact, our Superintendent of Insurance is required to approve the contracts between Blue Cross and the providers of health care. How can the Commissioner approve a contract that isn't in existence?

So this constitutional problem of impairing private contractual relationships is more serious than I thought when I first looked into this conflict between these two very fine professions.

I want to quote just briefly from this case in the State of Washington, which seems to me to be right on point. It says, "The statute operates to take the property of the participating and contributing members of a prepaid health care program without due

process of law and grants special privileges and immunities to optometrists." You will recall that this was the ophthalmologist-optometrist case, but it is an exact parallel to the psychiatrists and the psychologists. Continuing the quote: "Not being a member of the program and contributing nothing to it, and not sharing in the problems of the cost or management, optometrists, under the aegis of this statute and the compulsory indemnity features, nevertheless will share in all the benefits. If a prepaid medical program established by doctors who have helped to organize the program and continue to manage and operate it as participating members, and to which they contribute financially by reduced billing, must indemnify non-participating optometrists, then medical doctors in general, and ophthalmologists in particular, are inevitably deprived of their property without due process of law, and optometrists at the same time are given special privileges and immunities. One cannot imagine a statute that more directly achieves this unconstitutional end short of outright confiscation." That is the end of the quotation from the court in the State of Washington.

The other thing that bothers me about these bills is that it seems to me a backdoor attempt to amend the licensing statutes of the profession. The existing statute defines the practice of medicine as diagnosing, relieving in any degree, or curing or professing or attempting to diagnose, relieve or cure any human disease, ailment, defect or complaint, whether physical or mental, or of physical or mental origin, by attendance by, or by advice, or by furnishing or prescribing any drug, medicine, appliance, manipulation, method, on any therapeutic agent whatsoever in any other manner unless otherwise provided in the statutes of this state.

The psychologist licensing law says that the psychologist is a person who renders to the individuals or to the public for remuneration any service involving the application of recognized principles, methods and procedures of the science and profession of psychology. And it goes on to speak more of that, including personality counseling, psychotherapy, personality readjustment, and so on. But there is no reference in the psychological section about the treatment or diagnosis of mental, nervous or emotional disorders or ailment. The only place that this appears is in these three bills. So it seems to me that, in effect, these three bills are pointing the way to a changing of the professional qualification statutes, and I do not think that this is the place to do it.

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

Mr. JOHNSTON: Mr. President, could I ask that the Secretary read the committee report on this 1302 please?

The PRESIDENT: The Secretary will read the committee report on L.D. 1302.

The SECRETARY: The majority report from the Committee on Business Legislation, to which was referred this bill, ask leave to report that the same ought not to pass. Signed, Senator Johnston, Representatives Boudreau, Peakes, Rideout, DeVane, Byers, Pierce, Higgins and Bowie.

The minority report of the committee to which was referred this bill asks leave to report that the same ought to pass. Signed

by Senator Thomas, Representatives Clark, Tierney, and Senator Reeves.

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

Mr. JOHNSTON: Mr. President, I too have no quarrel with the good Senator from Kennebec and Chairman of the Committee, Senator Thomas, but I signed this ought not to pass report because it seems to me in the title of the bill they call for freedom of subscribers, and then in the very timely and effective lobby for 1302, 3 and 4 they characterize this as freedom of choice legislation. It seems to me passage of these particular documents would indicate the opposite. We now have the freedom to choose this type of health insurance, if we want to pay for it, and the psychologists are covered. And of course, if we pass these bills, there will no longer be that freedom of choice.

I think also we are asked here to draw what I consider to be an improper and unreal equation between the fine profession of the psychologists as measured against that of the equally fine profession of the psychiatrists. I think it is an improper occasion and I agree with the Senator from Knox, Senator Collins, that it seemed to me at the time we heard these bills that this was an attempt by the psychologists to expand the definition of their profession and to do so by virtue of these bills.

I would urge the Senate to defeat the motion by the Senator from Kennebec, Senator Thomas, and when the vote is taken, I would ask that it be taken by the "Yeas" and "Nays".

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

Mr. THOMAS: Mr. President and Members of the Senate: I think that we must, all of us, realize that this is 1975 and that over the last 20 to 25 years there have been great strides in medical science, yet some of the insurance companies are still in the early 1900's. I have heard all about the blues. Well, I do not happen to have Blue Cross-Blue Shield; I happen to be insured with a private company, so there is more involved here than that.

Each one of the bills does not require this to be mandatory. Nothing shall be construed to require non-profit hospital or medical service organization to provide contract coverage for the diagnosis and treatment of mental, nervous, or emotional disorders or ailments. Now, as far as the Blue Cross is concerned, it would only require Blue Cross to negotiate contracts with psychologists much as they negotiate contracts with other care providers.

In the last few years there has been a decline in the population of the Augusta Mental Health Institute and the Bangor Mental Health Institute, and where are these people? Out in the smaller areas where there are no psychiatrists, but where there are psychologists. And they are going to doctors now, collecting on their Blue Cross or their Unionmutual, whatever it is, and they are going to people who are entirely unqualified to treat them.

I also cannot understand the rationale of the good Senator from Aroostook, who is also a member of the committee, because we have already passed and signed into law in this session, through our committee, the same type of legislation for new born children and dental surgery.

I still believe, Mr. President and Members of the Senate, that these are three good bills.

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

Mr. KATZ: Mr. President, I find myself completely supportive of the remarks made by the Senator from Kennebec, Senator Thomas. There was a time when you talked about health care in the State of Maine you talked about the doctor with a little black bag, but in most of our communities today when you talk about eye care you are talking about certainly an optometrist, and increasingly when you are talking about mental health you are talking about a psychologist.

I think it is important to the legislature to have a strong feeling of reassurance that as these trends develop these other providers of health services are well qualified people.

I found to my astonishment that in order to be a psychologist within the meaning of state law today that you have to have an earned Ph.D., and there aren't that many earned Ph.D.'s being given out in the State of Maine today. You have got to obtain your doctorate probably over a course of nine years after high school. We are talking about absolutely, extraordinarily, well qualified people. I think the legislature should make these alternative courses of action for Maine's consumers as they seek the benefits of health care easier and more flexible, provided the flexibility does not involve putting them in touch with unqualified people.

I think the insurance carriers have been overly rigid and have not expanded the type of coverage that I think is best for our people. I don't think that I could in any case support a bill that says that the carriers have to enter into this kind of coverage, but this legislation says that if they choose to offer this kind of coverage they have got to give a broader choice to Maine people. On that basis, I think we are on extremely firm footing, and it offers an expansion of alternatives to Maine people in the very real sense of the word.

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 Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I would request the opportunity to pair my vote with the good Senator from Washington, Senator Wyman. If he were here, he would vote "No", and I intend to vote "Yes".

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests permission from the Senate to pair his vote with the Senator from Washington, Senator Wyman, who, if he were here, would be voting "No", and the Senator from Cumberland, Senator Conley, would be voting "Yes". Is it the pleasure of the Senate to grant this leave?

It is a vote.

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

The Secretary will call the roll.

ROLLCALL

YEAS: Senators Carboneau, Cianchette, Clifford, Curtis, Cyr, Graham,

Hichens, Jackson, Katz, Marcotte, Merrill, O Leary, Reeves, Roberts, Thomas, Trotzky.

NAYS: Senators Berry, E.; Berry, R.; Collins, Corson, Cummings, Gahagan, Graffam, Greeley, Huber, Johnston, McNally, Pray, Speers.

ABSENT: Senator Danton.

A roll call was had. 16 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with two Senators pairing their votes and one being absent, the Minority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

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

Tabled — Earlier in the day by Senator Speers of Kennebec.

Pending — Consideration.

(In the Senate — Passed to be Engrossed as amended by Senate Amendment "A" (S-186), in non-concurrence.)

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

(In the Senate — Senate Receded from Passage to be Engrossed; Motion to Concur; Senate Insisted on Passage to be Engrossed as amended by Senate Amendment "A" (S-186); subsequently, Senate Insistence on Passage to be Engrossed as amended by Senate Amendment "A" was Reconsidered.)

Mr. Pray of Penobscot moved that the Senate Recede from its former action whereby the Bill was Passed to be Engrossed.

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

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

Mr. SPEERS: Mr. President, a point of order: I believe that the Senate has already receded from passage to be engrossed, and the posture of the bill at the present time is that the Senate has adopted Senate Amendment "A".

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair will advise the Senator from Cumberland, Senator Jackson, that his motion to indefinitely postpone is in order. So the pending question before the Senate is the motion by the Senator from Cumberland, Senator Jackson, that the bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, we have gone over this bill on several occasions and we have discussed it. We have discussed many of the points of opposition which have been raised to it and as to the interpretations of the law. As a member of the committee which heard this bill, we held this bill in committee for quite a while and did quite a lot of researching on it after a very interesting hearing.

Many accusations have been made about what this bill will do and many of them are misleading and misinformative. I have before me here a copy of a letter

that was sent to the majority leader, and a part of that states that this individual went to the Department of Transportation, the State Police, and the Fish and Game Department, and found that none of these departments supported this legislation. I have also in front of me a letter which I read to you yesterday, signed by the Commissioner of the Department of Transportation, and I would like to read sections of it.

"As you know, several groups have expressed considerable concern that L. D. 1030, An Act Concerning the Registration of Snowmobiles, as amended by Senate Amendment 'A', would be unenforceable as it relates to the snowmobile operation upon highways, and in fact would allow a widespread use of the roadway system."

He continues on to say, "As a result of several meetings with you and a representative, they have prepared an amendment to respond to the above concerns. It is my understanding that both the sponsor of this bill, the Maine Department of Transportation, the Maine State Police, and the Department of Inland Fisheries and Game, are agreeable that this amendment is necessary to the interest of highway safety and that they are hopeful that the amendment will be given a favorable consideration in order that a fair evaluation of these desirable adjustments in our Maine snowmobile laws can be accomplished."

It also states that a representative of the Maine Snowmobile Association was present, and it was thought that they believed that this individual understood that there was a need for this additional adjustment in the Maine snowmobile laws. That is signed by Roger Mallar, Commissioner of the Department of Transportation.

I also have a letter from the Attorney General's Office. "The proposed amendment restricting the operation of snowmobiles to a specific distance in the public way respecting the crossing of those ways, presently the law has no such restrictions. It is their opinion that this bill puts limitations on the distance of road that can be used."

I have another interdepartment memorandum from the Maine State Police. "As a result of our discussion concerning the subject legislation in my office and your desire to know what the Maine State Police position is on this legislation, this office asked Lieutenant Colonel Weeks whether or not the Maine State Police had a position. Lieutenant Colonel Weeks advised me that the Maine State Police supports this legislation."

I have a letter that I read previously to you from a judge, a district court judge in the Southern Aroostook Division, which says, "This bill does improve and clarify the present snowmobile laws. They should be reasonably easy to understand and administer so far as the public, the law enforcement people, and the courts are concerned." He states that he has been a judge for twelve years and many cases relating to the snowmobile laws have appeared before him, and he believes that L. D. 1030 will most definitely improve the present system, the present statutes that we have.

I have another letter from the Northern Maine Regional Planning Commission which supports the legislation. At the hearing and since the hearing I have had many members of MSA contact me, and many of my constituents that are members of the MSA have expressed

concern about this piece of legislation as to what it does. MSA has given them a lot of facts, misleading facts, misinformation, as to what the intention and the purpose of L. D. 1030 was. Some of those concerns were expressed in the letter to the majority leader.

As I pointed out before when we discussed this, I have never seen anybody work so hard on a single piece of legislation, with the concern of improving those statutes, to devote his time in the legislature and at his own personal expense to run around and get the opinions of everybody that would be involved in this. The reason this piece of legislation is still before us and not passed is because of his attempt to compromise and to please the MSA.

We debated this earlier and after an amendment which I put in we unanimously passed it, and it would have gone through, I believe, at that time except the MSA asked for time, asked for another amendment. And I can see now an attempt, I believe, by MSA to stall for time until they can build up support opposed to this legislation. They seemingly are opposed to any legislation that they themselves do not present. And I think, as the committee did—I think it was an 11 to 2 committee report, ought to pass—that this bill best updates and clarifies the Maine snowmobiler statutes. Of course, since it was only passed in the last session, or two sessions ago, it takes time to see some of the faults with any new legislation, and I think the work that has gone into this definitely corrects many of the errors that we have or the many issues that are quite vague and have caused problems to the game wardens who enforce these laws, and definitely to the court systems which the cases are being brought before.

And as I stated, even a district judge took time out to write to the committee chairman to advise us that he supports this legislation, so I hope this motion would be defeated.

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

Mr. SPEERS: Mr. President and Members of the Senate: I am a little bit sorry that there have been distributed, apparently, a personal letter to me, and in addition a second personal letter addressed to me by the Attorney General. I would like to say simply that these were communications addressed to me and do not necessarily have my endorsement for any of the ideas or comments made in them. I would like to make that very clear rather than having anyone think that I had any part in distributing these letters. I think it a little bit odd that two personal communications to me show up on everyone's desk without having cleared it through me or without having my knowledge of how they were distributed or reproduced. That is not to say that I do not concur with the ideas expressed in either one of the two letters, but I don't want to leave this chamber with the idea that because they have shown up on everyone's desk that I in any way endorse them or do not endorse them.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, I would like to ask a question through the Chair of the Senator from Penobscot, Senator Pray, did he receive the letter from Commissioner Mallar before or after Senate Amendment "A" was adopted.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now poses a question through the Chair to the Senator from Penobscot, Senator Pray, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. PRAY: Mr. President and Members of the Senate: The letter I have before me is dated June 3rd, and I offhand do not know the date that Senate Amendment "A" was adopted.

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

Mr. CIANCHETTE: Mr. President, I expect there are many members of this body that are in the same situation that I am regarding this bill. It is very obvious, to me at least, that the Maine Snowmobile Association has been putting out the information that they would like to see this bill defeated.

I received several calls over the weekend, and in discussing the bill with the people that called me, I found that they really weren't opposed to the bill.

There seems to be a choice for us to make here in the Senate today on whether we are going to support a good bill, good legislation, or are we going to support the popular move of the Snowmobile Association. I think that Senate Amendment "A" is in error and should be defeated, not accepted by this body. However, the rest of the bill, I think, clarifies the law and makes it a much better, more meaningful law for the State of Maine.

Now, I know if I vote for this bill that the Maine Snowmobile Association may say that Senator Cianchette voted against the Snowmobile Association, and I don't like being in that situation because I don't really feel that I am voting against the association. I feel that I am voting for good legislation.

The big problem we have been hearing about this legislation is allowing snowmobiles to run the road some 500 yards, but the bill very clearly does not say that, as House Amendment "B", which I believe is a good proper form for the bill to be passed in. It says, "Properly registered snowmobiles may operate on a public way only the distance necessary, but in no case exceed 300 yards on the extreme right of the traveled way for the purpose of crossing as directly as possible a public way, sidewalk, or culvert. And properly registered snowmobiles may operate on a public way only the distance necessary, but in no case to exceed 500 yards on the extreme right of traveled way for the sole purpose of crossing as directly as possible a bridge, overpass or underpass," and so forth. This phrase of the bill has been grossly mistaken I believe. And when I read the language in the bill to the members that have called me, they say, well, that is reasonable, that sounds good. I don't see anything wrong with that.

This seems to be boiled down to a personality conflict that I feel like I am in the middle of, and I don't like it but I am here, and I am going to support good legislation and hope that everybody will understand that my views are correct and proper. So I would urge the Senate to vote against indefinite postponement, and let's pass a good bill.

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

Mr. JACKSON: Mr. President and Members of the Senate: The reason I made the motion is that I have two problems

with the bill. No. 1 is the Senate Amendment which allows the snowmobilers to travel along an accepted way for what I call a great amount of distance. No. 2 is the reciprocity agreement. It sort of bothers me a little bit where we can take, for example, the snowmobile associations throughout the State of Maine have cut trails, prepared trails, and put a lot of money into it, so to speak, and where you could have snowmobilers come from Connecticut, Massachusetts, Rhode Island, New York, or wherever the case may be, utilizing these trails without making any contribution to these clubs through the excise tax and to the State of Maine. But I share the same concern that the good Senator from Somerset, Senator Cianchette, conveys, and therefore I request permission to withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now requests permission from the Senate to withdraw his motion to indefinitely postpone this bill. Is it the pleasure of the Senate that this permission be granted?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

The President laid before the Senate the following 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 — Earlier in the day by Senator Thomas of Kennebec.

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

(In the House — Passed to be Engrossed.)

Mr. Thomas of Kennebec then moved the pending question.

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

The President laid before the Senate the following 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 — Earlier in the day 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.)

Mr. Thomas of Kennebec then moved the pending question.

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

The President laid before the Senate the following 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 — Earlier in the day 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. Curtis of Penobscot, Report "C" of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "C" was Read and Adopted in non-concurrence.

On motion by Mr. Speers of Kennebec, and under suspension of the rules, the Bill was then given its Second Reading.

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

Mr. CLIFFORD: Mr. President, I would like to inquire through the Chair as to whether or not this Committee Amendment "C" provides for inclusion of the committees in the confirming process?

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, the answer to that question is in the negative. The amendment is under Filing No. H-585. Earlier in the session I distributed both in a caucus and on the floor here copies of a summary of the pertinent points that are in each of the four committee reports and recommendations. This particular Report "C" would have the Senate become the confirming body, and since that would be written into the constitution, the Senate would have the ultimate confirmation of gubernatorial appointments.

If the Senate decided that it desired, as I think might be wise in many instances, to refer matters to joint committees for advisory opinions back to the Senate, that would be entirely in order.

The PRESIDENT: Is the Senate ready for the question?

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

Sent down for concurrence.

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

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

Tabled — Earlier in the day by Senator Katz of Kennebec.

Pending — Reference.

(In the House — Referred to the Committee on Education and Ordered Printed.)

The PRESIDENT: The Chair recognizes

the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, this bill proposes to make some kind of change in the law when school buses are leased out to non-profit corporations and in the process transport children. Anything that has to do with the highway safety and school buses tends to get a little complicated. Frankly, I have no desire to touch this bill at all without a public hearing, and because of the pressures of time and the really impracticability of thinking about advertising a bill at this time, and because of my conviction that this can be deferred until this fall session, I move indefinite postponement.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that L.D. 1919 be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

The following Bill was held at the request of Senator Huber of Cumberland, pending Consideration:

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 — Passed to be Engrossed as Amended by Committee Amendment "A" (S-133).)

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

(In the Senate — the Senate Receded and Concurred.)

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

Mr. HUBER: Mr. President, I would like to move reconsideration of our action whereby this legislation was engrossed, for the purpose of resolving a conflict between Committee Amendment "A" and House Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate reconsider its action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

The same Senator then moved that the Bill be tabled and Specially Assigned for June 11, 1975, pending Passage to be Engrossed.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, 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 to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-offenders." (H. P. 1114) (L. D. 1416)

In the Senate June 3, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-474) as Amended by House Amendment "A" (H-555), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendments "A" and "B" (H-682), in non-concurrence.

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

Mr. KATZ: Mr. President, the Senate

will recall the other day we indicated that we felt we had a good compromise piece of legislation in front of the Senate and the Senate adopted the position. Today we are going to compromise just a little bit more. I move that we recede and concur with the House.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate recede and concur. Is this the pleasure of the Senate?

The motion prevailed.

Orders

On motion by Mr. Pray of Penobscot,
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 Stearns High School Minutemen of Millinocket State Class D Ski Champions for the Academic Year 1974-75

We the Members of the Senate and House of Representatives 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. (S. P. 563)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Pray of Penobscot,
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 Stearns High School Minutemen Boys Varsity Football Team Little 10 Conference Champions and Tri-State Class C Champions for the Academic Year 1974-75

We the Members of the Senate and House of Representatives 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. (S. P. 565)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Pray of Penobscot,
STATE OF MAINE

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

WHEREAS, The Legislaure has learned of the Outstanding Achievement and Exceptional Accomplishment of the Stearns High School Minutemen of Millinocket Girls Varsity Softball Team Northern Penobscot Champions for the Academic Year 1974-75

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and

acknowledgement be extended; and further

Order and direct, while duly assembled in session of 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. (S. P. 564)

Which was Read and Passed.
Sent down for concurrence.

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 Clarify the General Assistance Laws." (H. P. 602) (L. D. 745)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Amend the Insurance Law to Require the Inclusion of Home Health Services as a Covered Benefit in all Group and Individual Health Policies Written in the State." (H. P. 671) (L. D. 845)

Reports that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Commitment of Juvenile Offenders for Habitual Truancy." (H. P. 37) (L. D. 48)

Reports that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds to Community Mental Health Centers to Offset Reduced Federal Grants." (H. P. 1211) (L. D. 1525)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-657).

The Committee on Judiciary on, Bill, "An Act Providing for the Confidentiality of Certain Records." (H. P. 613) (L. D. 756)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-656).

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

The Committee on Taxation on, Bill, "An Act Relating to the Procedures for State Valuation." (H. P. 523) (L. D. 640)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-658).

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

Which report was Read.

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

Mr. MERRILL: Mr. President, I don't want to prolong the time of this session. I just would like to point out in regards to this item that it is an item that I referred to earlier in debate having to do with making it more possible for municipalities to

appeal to the Appeals Board, and in the case they win the appeal it will provide that they will receive some monies that they deserve. In reference to that item, as this bill goes through the process, I think that it would be appropriate at any time to remove Item 41 on the tabled unassigned calendar and indefinitely postpone that bill.

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

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted 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.

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act to Regulate Business Practices Between Motor Vehicle Manufacturers, Distributors and Dealers." (H. P. 1137) (L. D. 1766)

Reports that the same Ought to Pass.

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

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

Divided Report

The Majority of the Committee on Health and Institutional Services, on, Bill, "An Act to Revise the Laws Relating to the Administration of General Assistance." (H. P. 892) (L. D. 1967)

Reports that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York
GREELEY of Waldo
BERRY of Androscoggin

Representatives:

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

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-676).

Signed:

Representatives:

GOOWDIN of South Berwick
LaPOINTE of Portland

Come from the House, the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Abolish the Defense of Sovereign Immunity in Certain Situations." (H. P. 1297) (L. D. 1568)

Reports that the same Ought to Pass.

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin

Representatives:

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

PERKINS of South Portland
The Minority of the same Committee on the same subject matter reports that the same Ought Not to Pass.

Signed:

Senator:

MERRILL of Cumberland

Representative:

McMAHON of Kennebunk

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

Which reports were Read.

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

Mr. MERRILL: Mr. President, I move that the Senate accept the Minority Ought Not to Pass Report and will speak very briefly to my motion.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President, the problem of sovereign immunity, with which this bill makes what I think is a feeble attempt to deal, is a problem that this Senate is going to have to address. And I know the Chairman of the Judiciary Committee, the Senator from Knox, Senator Collins, agrees with me on this, and I hope that we will be able to do it this summer. It is my feeling that this bill really does nothing to address the fundamental problems, and before we do anything about sovereign immunity I think we ought to take a long look at the situation and draft a piece of legislation that is appropriate.

The approach that this bill takes is similar to the approach that we have taken in regards to charity, in that it provides that sovereign immunity will be abolished only to the extent that the parties are insured. I don't really think that is a compromise with much merit from the standpoint of either party concerned. I think this legislation is too important to be adopted without some study, and I would think that we should accept the ought not to pass report and then deal with the matter under study.

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

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and Tomorrow Assigned, pending the motion by Mr. Merrill of Cumberland to accept the Minority Ought Not to Pass Report of the Committee.

Senate

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on, Bill, "An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands." (H. P. 965) (L. D. 1209)

have had the same under consideration and ask leave to report: That the Senate recede from passage to be engrossed, indefinitely postpone Committee Amendment "B" (H-327), adopt Committee Amendment "A" (H-326), adopt Conference Committee Amendment "A" (S-280) submitted herewith, and pass the bill to be engrossed as amended by Committee Amendment "A" and Conference Committee Amendment "A" that the House recede from passage to be engrossed, adopt Conference Committee Amendment "A" and Conference Committee Amendment "A", in concurrence.

On the part of the Senate:

CURTIS of Penobscot
WYMAN of Washington
GRAHAM of Cumberland

On the part of the House:

NAJARIAN of Portland
COONEY of Sabattus
FARNHAM of Hampden

Which report was Read and Accepted.

Enactors

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

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

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

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

An Act to Revise the Fish and Game Laws. (On motion by Mr. Gahagan of Aroostook, tabled and Tomorrow Assigned sending Enactment) (H. P. 1425) (L. D. 1817)

An Act Relating to Water Districts. (H. P. 815) (L. D. 989)

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

An Act to Establish the Maine-Canadian Exchange Advisory Commission and Office. (H. P. 728) (L. D. 903)

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

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

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

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

An Act Concerning Disaster Relief under the Civil Emergency Preparedness Statutes. (H. P. 899) (L. D. 1086)

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

An Act to Establish Revised Boundaries for the Capitol Complex Area and to Permit the Capitol Planning Commission to Establish Regulations Relating to Governmental and Commercial Buildings Within the Capitol Complex Area. (H. P. 1275) (L. D. 1578)

An Act Relating to School Administrative District No. 53. (S. P. 526) (L. D. 1891)

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

An Act to Amend Certain Eligibility Dates for the Pay Adjustment Granted to Certain State Employees and Officers. (S. P. 412) (L. D. 1311)

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

An Act to Clarify Certain Provisions of the Tax Lien Law. (S. P. 373) (L. D. 1200)

An Act to Clarify the Municipal Regulation of Land Subdivision Law. (S. P. 465) (L. D. 1518)

An Act Relating to Deferral Charges

under the Maine Consumer Credit Code. (S. P. 198) (L. D. 684)

An Act to Establish a Sign on the Maine Turnpike Near the Augusta Exit to Indicate the City of Hallowell and to Provide for Signs Denoting "The Maine Gold Star Memorial Highway." (H. P. 1309) (L. D. 1588)

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

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

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

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.

Indefinitely Postponed

AN ACT Relating to the Maintenance of Vital Records. (S. P. 322) (L. D. 1099)

Comes from the House, Indefinitely Postponed.

Mr. BERRY of Cumberland moved that the Bill be Indefinitely Postponed.

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

Mr. CLIFFORD: Mr. President, a parliamentary inquiry: would a motion to insist and join in a committee of conference be in order?

The PRESIDENT: The Chair would advise in the negative. The Chair would advise the Senator that the motion by the Senator from Cumberland, Senator Berry, is in order, and his motion is to indefinitely postpone the bill.

The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: This is a bill which pertains to a forwarding of vital records from municipalities to the state registrar. The law right now provides that those records have to be in the state registrar's office between the 10th and the 15th of the month. The larger communities which have the hospitals have a difficult time in meeting that deadline, and this bill originally called for an extension of the deadline to the 30th of the month. It was amended in the committee so that the larger communities could be exempted to the 25th of the month, and the smaller communities which don't have the problem would still have to have the material in by the 15th so that the office of the registrar would not be backlogged.

The testimony at the committee hearing was that the records are not worked on until the 25th of the month, so it would seem from the testimony that this would not require any kind of a delay on the part of the registrar's office. The communities which would be affected are Bangor, Lewiston and Portland, the larger communities which have more than one hospital and which do have a difficult time in meeting the deadline.

The state registrar, when asked if it were possible that he could work out an agreement with the federal government and these records end up eventually, these birth, death and marriage records, end up with the federal government, there was an inquiry as to whether his office would be interested in inquiring as to the federal government to see if the deadline could be

backed off, and he said he was not interested. He was asked what the reason was why he was not interested and he did not give a reason. His solution to the larger communities was that they should hire more people. I would hope that we could enact the bill and see if we could turn the other body around. I don't think it is a bill of great significance, but I do think that it is a bill which was defeated in the other body because of one state department which did not want to be inconvenienced in any way. I would hope we would vote against the motion to indefinitely postpone.

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

Mr. BERRY: Mr. President and Members of the Senate: I concur wholeheartedly with Senator Clifford, having sat in on that committee hearing. I think the important thing to keep in mind is the fact that the extra time is needed by the larger municipalities. And Senator Clifford is entirely correct when he states that they do not start working on these records until the 25th, which is the deadline they are asking for the larger cities. It takes them quite a few days to get their records prepared on the state level, and it was stated that it would not hinder the department in any way to have this 25th filing date.

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

Mr. HICHENS: Mr. President and Members of the Senate: I think, if you remember back, that when the bill came out of the committee it was a split report, and the arguments then of those who wanted to kill the bill was the fact that the department had come out and said it was going to put an extreme hardship on them to meet their requirements to get the reports in. It was just a case of whether we were going to put the hardship from the cities over to the state or let the law stay the way it is now.

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

Mr. BERRY: Mr. President and Members of the Senate: I reluctantly take issue with the Chairman of the Health and Institutions Committee, but that particular day that that bill was heard there was not that much opposition to the bill, as a matter of fact, very little. As I recollect, we had to really scrounge the halls of the legislature to get seven committee members to hear the bill. The objections to the bill have come forward since the hearing, and none of these objections have been made to the entire committee.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Berry, that this bill, L. D. 1099, and all accompanying papers be indefinitely postponed. The Chair will order a division. Will all those Senators in favor of the motion to indefinitely postpone please rise in their places until counted.

A division was had. Six having voted in the affirmative, and 21 having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Lot in Trescott, Washington County,

to Clarify Title and in a Lot in Richmond, Sagadahoc County, to Clarify Title. (H. P. 954) (L. D. 1193)

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

Emergencies

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

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

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

These being emergency measures and having received the affirmative votes of 29 members of the Senate were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act to Clarify the Priority Social Services Program to Assure Effective Utilization of State and Federal Resources for Human Services. (H. P. 1187) (L. D. 1768)

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

Emergency

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

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

Mr. MERRILL: Mr. President, with reference to L. D. 1395, I know that the hour is late and I don't want to belabor this point, but I have read the bill and I noticed that the bill requires that a new licensing requirement be set up. I have to admit to a great prejudice against unnecessary licensing requirements, and would just ask that somebody from the Committee on Agriculture explain the necessity of this legislation.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to any member of the Agricultural Committee who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: Under the new provision for licensing, this is something that was brought out with one town in particular in Penobscot County where they have a problem with an agricultural society and an agricultural fair. Now, actually there is a difference. An agricultural society can be one that extends premium showing and horse pulling, things like this, and an agricultural fair could be a fair which gives prizes for displays or basically the smaller parts. But the whole bill, the intent of the bill is to provide the Commissioner of Agriculture with the authority to license and to set the fair dates and overwatch probably for the wellbeing of agricultural industry in the State of Maine. Personally,

I had input into the bill as much as anybody else did on the committee. I think it is a good bill. It provides security for the established fairs which are already in existence. It sets a mileage limit as to how many fairs can operate within a certain distance of each other. It provides for the Commissioner, as I think I stated earlier, setting the fair dates or approving the fair dates. Overall, I think the bill is a good bill, and I think it would be justice for the Senate to enact it.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative votes of 23 members of the Senate, with six members 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.

Senate Papers

Mr. Graffam of Cumberland presents the following Joint Resolution and moves its adoption:

State of Maine

In The Year Of Our Lord One Thousand Nine Hundred and Seventy-five.

In Memoriam

Having Learned Of The Death of
ROBERT J. GRAHAM
Of Farmingdale
Director of The Maine Bureau of
Liquor Enforcement

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. (S. P. 568)

Which was Read and Adopted.

Sent down for concurrence.

(See action later in today's session.)

Orders

On motion by Mr. Curtis of Penobscot,
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 Red Riots of Orono High School

State Class C Champions
In Track and Field for 1975

We the Members of the Senate and House of Representatives 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. (S. P., 566)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Curtis of Penobscot,
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 Board of Trustees
of the University of Maine
1975 Recipient of

The Alexander Meiklejohn
Award for Academic Freedom

We the Members of the Senate and House of representatives do hereby Order that our congratulations and acknowledgment 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. (S. P. 567)

Which was Read.

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

Mr. CURTIS: Mr. President, earlier in this session many of us were disturbed and shocked when the Chief Executive of the State in his address to the Legislature asked for the resignation of all the members of the board of trustees at the University of Maine. On Friday of last week the entire board of trustees of the University were awarded the 1975 Alexander Meiklejohn Award for Academic Freedom, an award which is the result of a nomination by the American Association of the University Professors, and in this particular instance by two professors from the University of Maine system, Mr. Walter Schoenberger and Mr. William Slavik.

I think that when I first heard of this situation I was surprised and thought it somewhat humorous that the board of trustees would be honored for doing their job, but the more I thought about it the more I thought it was an important measure in that the AAUP had honored the University of Maine trustees. That is a national award and it only happens once a year. So I think that we ought to not with some pleasure and pride and it was our University of Maine board of trustees which unanimously decided to exert the independence of the job to which they were assigned.

The PRESIDENT: Is it the pleasure of the Senate that this joint order be passed?

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

Reconsidered Matter

On motion by Mr. Conley of Cumberland, the Senate voted to reconsider its prior action whereby Joint Resolution (S. P. 568) was Adopted.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President, I think it would be wrong for this order to just have been adopted and gone under the gavel without some word being spoken on behalf of the recently deceased Bob Graham of the Maine Liquor Enforcement Department.

As most of you people here in the Senate know, I have many times sort of taken some brief but sharp attacks at the Liquor Enforcement Division. However, I think many of us learned of the sad death of Bob Graham, some of us early this morning and perhaps some of us over the weekend. Bob Graham was a very colorful

individual. He was a good father and a good husband with some fine children. And many times I used to bat the breeze with Bob around these legislative halls, and saw him on many occasions through the year in my community and always had an ample opportunity to discuss matters of liquor enforcement problems with him. I found him to be a very likeable person.

I think it is sad, in a sense, not only as to his passing but to the fact too that there was very little notice or publicity given to this tragic event, so a great number of citizens around the state are unaware of the passing of Bob Graham. I know that I was working over the weekend and one of my friends in the community happened to get a Kennebec Journal and noticed a very, very brief obituary in that paper. So I know that the Senate joins with me and also the good Senator from Cumberland, Senator Graffam, in the passage of this order. I think Bob Graham will be remembered as just a wonderful guy.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Resolution be adopted?

The motion prevailed.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot.

Adjourned until 10 o'clock tomorrow morning.