

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, June 10, 1975

Senate called to order by the President.

Prayer by Rev. Bruce W. Meyer, Prince of Peace Lutheran Church, Augusta:

Our good and great creator, God, we thank you for the beauty of the earth on this bright June morning, for the simple joy of nature and for the blessing of living in a land and particularly in a state which has been so gracefully and bountifully touched by your creating hand. This is a good earth, O Lord, we love it, and we ask that you would keep us increasingly mindful of our stewardship of the earth and of the bounty of all our resources with which you have gifted us. And as we ask so often, so we ask again, O Lord, that you would give us a fresh sense of your presence as we take up the duties of this day. Renew our strength, invigorate our minds, penetrate our decisions, and really give us a passion for government and legislation that is worthy of our best efforts for the sake of all our people. In all that we do, in all that we say, in all that we act upon, make us mindful that you call us to be builders of bridges and not walls in our relationships as we work with each other and as we work together for our people. Give us a good day, O Lord, surrounded by your presence. Amen.

Reading of the Journal of yesterday.

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay (H. P. 1154) (L. D. 1448), the President appointed the following Conferees on the part of the Senate:

Senators:

CUMMINGS of Penobscot
GREELEY of Waldo
CYR of Arostook.

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Pertaining to the Choice of Counsel Retained to Perform a Title Search", (H. P. 1135) (L. D. 1430), the President appointed the following Conferees on the part of the Senate:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Contracts of Teachers with Municipalities", (H. P. 1033) (L. D. 1339), the President appointed the following Conferees on the part of the Senate:

Senators:

CONLEY of Cumberland
MERRILL of Cumberland
CORSON of Somerset

Papers from the House
Non-concurrent Matter

Bill, "An Act Designating Family Day Care as a Priority Social Service." (H. P. 1207) (L. D. 1500)

In the Senate June 2, 1975, Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-556).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-684), in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act Amending Laws Relating to Hospitalization of the Mentally Ill." (S. P. 368) (L. D. 1204)

In the Senate May 28, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (S-195).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "B" (H-681) Thereto, in non-concurrence.

On motion by Mr. Collins of Knox, tabled until later in today's session, pending Consideration.

Non-concurrent Matter

Bill, "An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine." (H. P. 1128) (L. D. 1404)

In the Senate May 6, 1975, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-667), in non-concurrence.

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

Joint Resolution
STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of Mrs. John H. Rollins of East Dixfield, Maine

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 1680)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Communications
STATE OF MAINE

One Hundred and Seventh Legislature
Committee on Election Laws
June 9th, 1975

The Honorable Joseph Sewall
President of the Senate
State House

Augusta, Maine 04333
Dear President Sewall:

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

Total number of Bills Presented	44
Unanimous Reports	36
Leave to Withdraw	11
Ought Not to Pass	12
Ought to Pass	4
Ought to Pass in New Draft	3
Ought to Pass as Amended	6

Omnibus — An Act to Clarify the Election Laws, Pursuant to Joint Order, H. P. 136.
Divided Reports 8

Total Number of Amendments 10
Total Number of New Drafts 4

Respectfully,

Signed:

NEAL C. CORSON
Senate Chairman

Which was Read and Ordered Placed on File.

STATE OF MAINE

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

June 9, 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 Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay (H. P. 1154) (L. D. 1448):

Representatives:

KELLEHER of Bangor
LaPOINTE of Portland
NORRIS of Brewer

The Speaker also appointed the following conferees to the Committee of Conference on Bill "An Act Pertaining to the Choice of Counsel Retained to Perform a Title Search" (H. P. 1135) (L. D. 1430):

Representatives:

PERKINS of South Portland
PEAKES of Dexter
HIGGINS of Scarborough

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

STATE OF MAINE

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

June 9, 1975

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

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act Relating to Contracts of Teachers with Municipalities" (H. P. 1033) (L. D. 1339).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports
House

Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act Relating to the Regional Technical Vocational Centers and the Vocational Education Regions." (H. P. 1278) (L. D. 1811)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-501).

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 Public Utilities on, Bill, "An Act to Revise the Charter of the Augusta Water District." (H. P. 1427) (L. D. 1796)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-630).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-666).

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

Senate

Ought to Pass-As Amended

Mr. Greeley for the Committee on Transportation on,

Bill, "An Act Relating to the Application of the State Valuation to Certain State and Town Cost-Sharing Activities." (S. P. 256) (L. D. 832)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-282).

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

Second Readers

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

House

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

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

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)

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)

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)

Which were Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Johnston, in reference to L. D. 1302, L. D. 1303, and L. D. 1304.

Mr. JOHNSTON: Mr. President and Members of the Senate: L. D. 1302, 1303 and 1304 clearly state that if an insurance company pays for services provided by psychiatrists they must also pay if these services are provided by a psychologist. I think this is irresponsible legislation and it is going to cost the people of the State of Maine, and it is going to deny those people the free choice that they now have with respect to this kind of health insurance.

I move that these three items and all their accompanying papers be indefinitely postponed.

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

Mr. THOMAS: Mr. President, a parliamentary inquiry: is the Senator from Aroostook out of order on that motion?

The PRESIDENT: The Chair would reply in a qualified affirmative in that the Senator from Aroostook, Senator Johnston, must consider each of these items individually.

The Chair recognizes the Senator from Aroostook, Senator Johnston.

Mr. JOHNSTON: Mr. President, I move that L. D. 1302 and all its accompanying papers be indefinitely postponed.

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

Mr. THOMAS: Mr. President and Members of the Senate: I thoroughly disagree with the arguments of the good Senator from Aroostook, Senator Johnston. He mentions cost. Available cost data from throughout the country indicates that overall health care costs, and consequently insurance costs, do not go up when licensed psychologists are included under insurance contracts as providers of mental health care. When people utilize psychological services, they are less likely to utilize non-mental health medical services, particularly expensive in-patient services, which serve to keep overall health costs down.

As the field is well aware, many people with psychological problems tend to inappropriately over-utilize medical services. When psychological services are made available to them, they receive help more appropriate to their problems, and this reduces their inappropriate use of medical facilities.

The freedom of choice bills also clearly state that only services obtained from licensed psychologists, in addition to licensed physicians, will be reimbursable. This precludes non-licensed people of any persuasion from making claims for reimbursement for mental health services. This insures that only those mental health services provided by licensed psychologists or physicians will be paid for under the mental health provisions of insurance contracts. Only licensed psychologists or licensed physicians are empowered by law to provide mental health services.

Under freedom of choice legislation, a subscriber would be entitled to choose either a licensed psychologist or a licensed physician as their mental health practitioner. This not only puts freedom of choice in the hands of the consumer, where it belongs, but also increases the quality and quantity of available mental health services. These bills do not require insurance carriers to extend or increase coverage of mental health services now being offered under their contracts. It only entitles the subscriber, if his contract includes mental health coverage, to choose to obtain such services from a licensed psychologist in addition to licensed physicians, the only two professions licensed by the State of Maine to provide such services.

Thank you very much. And, Mr. President, I request a roll call.

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

Mr. ROBERTS: Mr. President and Members of the Senate: I would like to say that I listened to the arguments yesterday and reread these bills, and I am going to change my position, mainly because I feel that the bills in the present form in which they are written would

probably be unconstitutional, in addition to the fact that I think we are opening the door for everyone that we license, including optometrists and lots of other people, who are really paramedics, in the sense that they don't have medical degrees.

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

Mr. KATZ: Mr. President, of one thing I am confident, and that is that the physicians of this state have no basic desire to share any of the traditional prerogatives that have been theirs all these years. And I think it is about time that as capable alternatives develop that we do open the door a little bit, and we are opening the door a little bit with this legislation.

I don't feel that there is any reason to continue presuming, with our head in the sand, that the only way to get mental health treatment in the State of Maine is through a psychiatrist. A competent graduate psychologist is the person who treats most Maine people today. And if this is opening the door, the door was opened a long, long time since.

I think the basic question facing this Senate today — and I find, with all due respect to the debate of my good friend from Aroostook, Senator Johnston, that he did not address the issue in front of us — the basic question in front of us is: are we giving Maine people the broadest possible benefits under insurance of capable, competent, professional assistance? And the answer is no.

Now, this legislature in the past has been asked to get into some jurisdictional disputes with optometrists and chiropractors. And if you recall the chiropractor issue, it was the competency and the professional level of the chiropractor which made the Maine Senate reluctant to go along with it. But there isn't a person here in this chamber today who can with any degree of assurance say that a person who has earned his Ph.D. in psychology, and is presently treating mental health of the people in the State of Maine, is in any way not competent to treat them under an insurance policy. Purely and simply, that is the only issue that is in front of us today. If he is capable of treating them without insurance, he is capable of treating them and permitting them to get the benefits of an insurance carrier to reimburse them for the costs. And that, my good friends, is the issue in front of us today.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: For the benefit of my good friend, the Senator from Kennebec, Senator Katz, the basic issue is: do we want to treat psychologists the same as psychiatrists; are they the same as psychiatrists? I submit that they are not. Psychologists are not medical doctors, and psychiatrists are. I think that is the issue before us.

We could open the door and we could amend this bill and include taxi drivers and bartenders. That is the issue.

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

Mr. THOMAS: Mr. President and Members of the Senate: The question of constitutionality has been brought up, and I maintain that that is a red herring because all federal insurance policies at this time recognize psychologists as

professional independent providers of mental health services, and they are already licensed in 47 other states.

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 ask leave of the Senate to pair my vote with the good Senator from Washington, Senator Wyman. If I were he and he were me, I would vote "Nay" and he would vote "Yea".

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests permission to pair his vote with the Senator from Washington, Senator Wyman, who, if he were here, would vote "Yea", and the Senator from Cumberland, Senator Conley, would vote "Nay". Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I ask leave to pair my vote with the Senator from Penobscot, Senator Curtis, who is voting on the opposite side of the fence from me in this case.

The PRESIDENT: The Senator from Knox, Senator Collins, requests permission to pair his vote with the Senator from Penobscot, Senator Curtis, who, if he were here, would be voting opposite to the Senator from Knox, Senator Collins. 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 Aroostook, Senator Johnston, that L. D. 1302 and all its accompanying papers be indefinitely postponed. A "Yea" vote will be in favor of indefinite postponement; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry; R. Berry; Graffam, Greeley, Jackson, Johnston, McNally, O'Leary, Pray, Roberts.

NAYS: Senators Carbonneau, Cianchette, Corson, Cummings, Cyr, Danton, Gahagan, Graham, Hichens, Huber, Katz, Marcotte, Merrill, Reeves, Speers, Thomas, Trotzky.

ABSENT: Senator Clifford.

A roll call was had. 10 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with four Senators pairing their votes and one being absent, the motion did not prevail.

Mr. Johnston of Aroostook then moved the pending question on L. D. 1302, L. D. 1303 and L. D. 1304.

The PRESIDENT: The pending question is the engrossment of L. D. 1302, L. D. 1303 and L. D. 1304. Is it now the pleasure of the Senate that these bills be passed to be engrossed in concurrence?

The motion prevailed.

House-As Amendd

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

Bill, "An Act Relating to the Procedures

for State Valuation." (H. P. 523) (L. D. 640)

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)

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

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

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

Bill, "An Act Providing Funds to Community Mental Health Centers to Offset Reduced Federal Grants." (H. P. 1211) (L. D. 1525)

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

Senate

Bill, "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) (See Action Later in Today's Session)

Bill, "An Act to Make Certain Revisions in the Form of the State Budget Document." (S. P. 561) (L. D. 1927)

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

Sent down for concurrence.

Enactors

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

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

An Act to Clarify Certain Provisions of the Maine Right to Know Law. (H. P. 848) (L. D. 1035)

Which 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 Making Financial Aid Formulae Consistent with the 100 Percent State Valuation. (H. P. 648) (L. D. 800)

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

Emergency

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

This being an emergency measure and having received the affirmative votes of 24 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.

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Provide for Direct Initiative for Proposed Amendments to the Constitution. (H. P. 1421) (L. D. 1806)

Comes from the House, Failed of Final Passage.

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

Mr. SPEERS: Mr. President, I won't say any words of debate on this particular item because it has been debated at length.

I would simply urge the Senate to vote against final passage.

The PRESIDENT: This is a constitutional amendment and requires the affirmative vote of two-thirds of those present for passage. Will all those Senators in favor of the passage of this resolution please rise and stand 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. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

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

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I think that this resolution is in a little trouble in the other body, but I think it is important that the Senate go on record as favoring this amendment to the constitution which will bring back to the people something that they once had and which I think they should have, and that is the opportunity by direct initiative to make changes in their own constitution.

Just briefly, what it does is, first of all, exclude from this process those rights which we would call the Bill of Rights rights, so they would not be affected by this initiative process. What it would do is allow the people by the direct initiative process, a gathering of 30,000-plus signatures, to bring a resolution before the legislature, and the legislature, if a majority of both houses passed it, would send it to the people to be ratified by two-thirds of those persons voting.

It seems to me this is a moderate proposal, but yet it is a significant one which would bring back to the people the ability to initiate changes in our own constitution, and I would hope we could vote for enactment of the resolution. Thank you, Mr. President.

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

Mr. CORSON: Mr. President and Members of the Senate: I previously have supported this constitutional amendment but I find I can no longer do so, having taken a very close look at it.

As the Senator from Androscoggin, Senator Clifford, pointed out, Article I could not be amended by initiative, and I think this is probably a very good idea. A gentleman with whom you might have some acquaintance, a reporter by the name of Ernie Stallworth, has done a rather interesting experiment on two different occasions, once in Idaho and once in Maine, where he prepared a petition bearing the first ten amendments to the United States Constitution, the federal Bill of Rights, and he circulated this petition on the street and asked people to sign it; the purpose of the petition being to request that Congress or the Legislature enact laws which would provide these rights for the people. I think he had something close to a 70 percent refusal rate and was called a Communist and several other things. It seems that many of the people aren't quite aware of what the Bill of Rights does for them.

Our Article I, Declaration of Rights,

provides our freedom of religion in Section 3, freedom of speech and the press in Section 4, freedom from illegal search and seizure in Section 5, and in Section 6 they are guaranteed the rights to confront witnesses against them and their accusers, in Section 6(a) no person shall be deprived of life, liberty or property without due process, Section 8 is double jeopardy, and it goes on, in Section 11 the ex-post facto laws. This is really the basis of our entire state government contained in Article I, and certainly we would not want it exposed to any chance of repeal.

Unfortunately, I think we have overlooked something in L. D. 1806 because we have not stated that you cannot amend Article IV, and Article IV is the section, Section 18(a), that says you cannot amend Article I. I wonder what is to prevent someone from amending Article IV to remove the section that says you can't amend Article I and then proceeding in the next election to merrily repeal some of the segments of Article I which might not meet with overwhelming popularity. I think this could be a very dangerous approach and I think it is very unnecessary because, with 184 members of the Legislature, it is not too difficult to find someone who is willing to offer an amendment to the Constitution on your behalf. If it has merit it would be enacted, and if it lacks merit it would probably be defeated, just as I hope this proposed amendment, lacking merit, should not be passed. It is a very dangerous item and I think we would do well to let it die its natural death here.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think the good Senator from Somerset, Senator Corson, is trying to pull himself up by his own bootstraps, because the Bill of Rights which he enumerated, and which we all recognize as very essential to the protection of our liberties, is specifically exempted from this process.

The second argument which he makes about a resolution to the Constitution being introduced by any legislator, that probably is true, however, I think the nub of the matter is the two-thirds vote of each house which is presently required and the built-in conflict, especially in the areas of reform of the legislature itself, and that is the hurdle which has been very difficult to overcome. I think this would allow that vehicle with plenty of safeguards to get around that problem, especially in the area of legislative reform which seems to be mired in defeat at every legislative session. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question is the passage of the constitutional amendment. A roll call has been ordered.

The pending question before the Senate is the passage of L. D. 1806, Resolution, Proposing an Amendment to the Constitution to Provide for Direct Initiative for Proposed Amendments to the Constitution. It requires the affirmative vote of two-thirds of those present for passage. A "Yes" vote will be in favor of passage; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators Corson, Graffam, Greeley, Hichens, Jackson, McNally, O'Leary, Speers, Thomas, Trotzky.

ABSENT: Senators Curtis, Katz, Wyman.

A roll call was had. 19 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with three Senators being absent, the Resolution Failed of Passage in concurrence.

Orders of the Day Reconsidered Matter

On motion by Mr. Huber of Cumberland, the Senate voted to reconsider its action of earlier in today's session whereby the following was Passed to be Engrossed:

Senate

Bill, "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)

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Tabled — June 9, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Collins of Knox to Adhere.

(In the House — Passed to be Engrossed as amended by House Amendments "B" (H-528), "C" (H-541), and "D" (H-618).)

(In the Senate — Passed to be Engrossed as amended by House Amendments "B" and "C", in non-concurrence.)

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

Mr. Hichens of York then moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. COLLINS: Mr. President, I request a division. I remind the Senate that this matter was debated a few days ago and that the Senate voted, without dissenting voice, to strike off House Amendment "D" to a measure which is otherwise a very desirable piece of legislation.

House Amendment "D" is not the sort of thing which can be compromised in a committee of conference, and I submit that it would be a waste of the legislature's time. I would urge you to vote against the motion to insist and join.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from York, Senator Hichens, that the Senate insist and join in a committee of conference with the House.

The Chair will order a division. Will all those Senators in favor of insisting and joining with the House in a committee of conference please rise in their places until counted.

A division was had. Eight having voted in the affirmative, and 17 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

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

House Reports — from the Committee on Public Utilities — Bill, "An Act Relating to Termination of Utility Service." (H. P. 1361) (L. D. 1663) Majority Report —

Ought to Pass As Amended by Committee Amendment "A" (H-650); Minority Report — Ought Not to Pass.

Tabled — June 9, 1975 by Senator Cummings of Penobscot.

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

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

Mrs. CUMMINGS: Mr. President, there is an amendment that should be here shortly, and I would appreciate it if someone would table this until later in today's session.

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

Mr. KATZ: Mr. President, in order that it may have its first reading, to be amended later, I move acceptance of the Majority Ought to Pass Report.

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

The motion prevailed.

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

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

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

Tabled — June 9, 1975 by Senator Greeley of Waldo.

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 fourth 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 9, 1975 by Senator Katz of Kennebec.

Pending — Motion of Senator Cummings of Penobscot to Accept the Majority Ought Not to Pass Report.

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

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

Mr. CONLEY: Mr. President and Members of the Senate: It is my understanding that there is an amendment being prepared that would make this a workable document, and I would ask the Senate at this time to vote against accepting the Majority Ought Not to Pass Report and give this bill an opportunity to have its first reading in order to have the opportunity of looking at the amendment when it is brought forth.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I must reluctantly oppose the position of the good Senator from Cumberland, Senator Conley. I think the debate on the bill should be right now on its merits or lack of merits.

Casco Bay Lines has all sorts of problems of a financial nature, and I think it is rather obvious that we are not going to solve their problems, which end up being the problems of the people who use those ferries, by putting in a competing non-profit operation. I think the solution to this problem is a proper study with the objective to decide whether we want a state operated ferry service, as we have in Penobscot Bay, or whether we are going to continue to have these harassing nagging problems presented by the operations here in Portland Harbor.

I think any attempt to solve the problem by putting in competition, be it of a profit nature or a non-profit nature, is only going to aggravate the situation, and the residents of the isles could well find themselves some day without any transportation. I make no bones about how good or bad Casco Bay's service is or its equipment, but I do feel it would be a very shortsighted policy to attempt in a harassing gesture to start operations of a competing nature, be it non-profit or profit. So I would hope that we would stick with Senator Cummings, the Chairman of the Committee, and accept the Majority Ought Not to Pass Report.

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

The Chair will order a division. Will all those Senators in favor of accepting the Ought Not to Pass Report please rise in their places until counted.

A division was had. 16 having voted in the affirmative, and nine having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fifth 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 9, 1975 by Senator Conley of Cumberland.

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 Conley.

Mr. CONLEY: Mr. President and Members of the Senate: As you know, yesterday there was an amendment that was prepared. Unfortunately, it was prepared for the wrong bill. But there is an amendment being prepared, and I would appreciate it if somebody would table this until later in today's session.

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

Thereupon, on motion by Mr. Berry of

Cumberland, tabled until later in today's session, pending Passage to be Engrossed.

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

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

Tabled — June 9, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(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 Lost; 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.)

On motion by Mr. Pray of Penobscot, the Senate voted to Recede from its former action whereby Senate Amendment "A" was Adopted and, on subsequent motion by the same Senator, Senate Amendment "A" was Indefinitely Postponed.

House Amendment "B" was then Read and Adopted and the Bill, as Amended, Passed to be Engrossed in concurrence.

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

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

Tabled — June 9, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(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; subsequently, Passage to be Engrossed was Reconsidered.)

On motion by Mr. Huber of Cumberland, and under suspension of the rules, the Senate voted to Recede from its former action whereby House Amendment "A" was Adopted and, on subsequent motion by the same Senator, House Amendment "A" was Indefinitely Postponed.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to Recede from 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-284, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted.

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

Mr. KATZ: Mr. President, through the Chair, might I request an explanation of the change in the bill that has now occurred?

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: The change being made is that the House Amendment "A", which was just indefinitely postponed, amended the bill improperly. It is a technical change. The bill as it now stands does not contain provisions for an energy coordinator. This Senate Amendment "A" to Committee Amendment "A", rather than the House Amendment to the bill itself, simply corrects a technical error in the bill.

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

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

Sent down for concurrence.

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

House Reports — from the Committee on Judiciary — Bill, "An Act to Abolish the Defense of Sovereign Immunity in Certain Situations." (H. P. 1297) (L. D. 1568) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — June 9, 1975 by Senator Clifford of Androscoggin.

Pending — Motion of Senator Merrill of Cumberland to Accept the Minority Ought Not to Pass Report.

(In the House — Passed to be Engrossed.)

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

Mr. CLIFFORD: Mr. President, this bill deals with sovereign immunity, which has been under attack both by statute and especially by our courts in the last few years. The Maine Supreme Court has said on two occasions fairly clearly that unless the legislature takes some action to change the law relative to sovereign immunity that the Court would make that change. I think if the Court did make that change on its own that some of our municipalities in our state would be faced with very serious fiscal problems.

What this bill does — and this bill admittedly is an interim bill until the matter can be studied more deeply — is that it abolishes the defense of sovereign immunity for motor vehicle situations up to \$100,000 or up to the limits of liability insurance, whichever is greater. In all other matters except automobiles it abolishes the defense of sovereign immunity to the extent that the municipalities are covered by liability insurance. What this does is make the liability coverage voluntary. It does essentially the same thing that has been done with the charitable immunities with the hospitals.

Now, in fact, the charitable immunities law reads pretty much the same as this law. In fact, most charities do have liability insurance coverage and, therefore, people who are injured can recover. I think in this case the experience would be that many of the communities would purchase liability insurance providing coverage to people who were injured as a result of the negligent conduct of the municipality or of the state.

I admit, and I think the majority of the Committee on Judiciary admits that this is only an interim measure, that more work has to be done in the area of sovereign immunity, but I think if we do nothing we are inviting a court decision to completely

wipe out sovereign immunity, and this, I think, would place many of our communities in a very hazardous financial situation.

So I would hope we could defeat the Minority Ought Not to Pass Report of the Committee and adopt the Ought to Pass Report of the Committee, as did the overwhelming majority of the Committee on Judiciary. Thank you, Mr. President.

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

Mr. COLLINS: Mr. President, I agree with everything that the Senator from Androscoggin, Senator Clifford, has said about this matter. During the course of committee deliberation on sovereign immunity we have looked at the problem under several different bills. The State employees wanted to approach it in an indemnity and personal immunity fashion. Other groups had other approaches. We had the usual several bills — I think there were seven this time — asking for permission to sue the state in certain accident cases. The committee recommended permitting this kind of approval in six out of the seven cases. In each of the cases we made some adjustments in the terms under which suit might be brought and in the limitation as to the amount of damages which could be awarded if the litigant were successful.

I think there is probably a unanimous feeling in the Judiciary Committee that we need to do something about sovereign immunity as a problem, about the legitimate claims that citizens have against the state when the state, acting through its employees and officers, is negligent. It has been handled in various ways in various states, and of course in the federal government it has been handled for some years now through the court of claims and through the federal tort claims act.

There is now pending in the District Court of the United States for the District of Maine a case which may very well be the case that the good Senator from Androscoggin has described where a court would make new law for the State of Maine. Some of my friends ask me how can a court make new law and overturn such a long established policy. Well, that is difficult to explain sometimes, and in this case the only defense I can offer is that, as I understand it, historically the doctrine of sovereign immunity was a doctrine created by the courts in the first instance rather than by a legislature, and the courts are more likely to feel that they can overturn a doctrine created by the courts than they could overturn something created by the legislature.

So this is a foot-in-the-door sort of thing, and I have promised the committee and others interested in this topic that I think it is a very good topic for further intensive study in the off-season by the Judiciary Committee, and I hope that that will be done, but in the meantime I would hope that you would vote against the pending motion so that we might keep the foot in the door.

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

Mr. BERRY: Mr. President and Members of the Senate: I always find myself with a great deal of trepidation when I don't totally share the views of the good Senator from Androscoggin, Senator Clifford, and the good Senator from Knox, Senator Collins.

I think one of my several areas of

interest since I have been in the Senate, unfortunately approaching maybe something like sixteen years, has been the gradual erosion of the citizen's interest in his government through the permissibility and availability of the several stages of government as a result of attacks upon it in the courts. I do take considerable heart in the statements made by both these fine gentlemen that the area is going to be studied, and it certainly does need it. I think just by this statement alone, I hope that they perhaps would not push too hard to get this bill through, and let's tackle the problem in one approach and not piecemeal. And this is why I am opposed to the bill.

The foot in the door perhaps was not meant in the same way by Senator Collins as I mean it, but it seems to me that if we are opening up the courts to anybody suing governmental units, or up to \$100,000 for automobile cases, we are letting in a major share, a lion's share, of the problems that have been kept out forever.

I won't say this is a trial lawyers' bill, but the next thing one sees is an approach at the special session to up the limits from \$100,000, or take the limits off totally, or to open up new areas in which the state and governmental units may be sued. I feel that it is imperative that we keep this concept, which has really been one of centuries, intact until the legal profession does come up with guidelines as to how what has been up to now a sacred citadel can be breached. I do feel that there is nothing so urgent that we need to throw down the drain this principle, if we can wait perhaps either for guidelines from the court, as Senator Clifford has indicated, or perhaps hopefully of both the Judiciary Committee and the legal profession to come up with guidelines in this extremely important area.

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

Mr. MERRILL: Mr. President, I think that some things have become clear and uncontested here in this debate on this important subject. One of the things I think that is clear is that this bill is not the answer to the problem. The Chairman of the Judiciary Committee and the senior Democratic member of the Judiciary Committee from the Senate have both said that. The question is do we want to put this stop-gap measure into law until whatever time the legislature may be ready to take steps that would be considered to be the product of thought and consideration.

I think probably this is the year of expediency and this is a very expedient tool, this bill, but I don't think it is a satisfactory one. The courts, as you have been told, have several times moved to the edge of doing away with the doctrine of sovereign immunity. They haven't failed to take that final step for lack of conviction. They failed to take that final step because it was their thought that this legislature was best equipped to set that doctrine aside and replace it with something that was the product of thought and consideration. I think they were right. I think that the native conservatism of our court in that regard, even though they found the doctrine repugnant, is commendable. Who here among us can say that this bill is the product of that thought and that consideration? It obviously is not.

I think that this is an important doctrine that we are going to have to deal with. I think that the courts are telling us, and I

think that we should heed their warning, that we have to replace it with something. And I think what we have to do is to have a comprehensive approach as the federal government has done. This bill isn't that.

What this bill says, in essence, is if your town takes up the burden of insurance, then your town can be sued up to the amount that they are insured. If the neighboring town takes on no such burden in regards to everything except automobile cases, they are still protected from suit. There is no equity in that solution, only expediency.

The final part of this bill, which tells us that the doctrine of sovereign immunity will remain intact and it is the intent of the legislature that it remain so, with the exception of the provisions in the earlier two paragraphs, I think, when considered with regards to those two paragraphs, shows the inequity of this situation. There is no equity in saying that those towns that are in a situation where they decide to spend the money to insure themselves will not be judgment proof and in those towns that decide not to get any insurance the doctrine will stand as a bar between them and the citizens. I think that this is a plan with nothing to recommend it, in terms of equity, in terms of a final solution, nothing to recommend it except that it is expedient.

The court, in its wisdom, has waited for the legislature to act with guidance and consideration. I suggest that we set this aside, as we have done for a couple of years while these decisions have been pending, send the courts a message that we are beginning to act by passing a study order, do the necessary study this summer, come back to this legislature in the special session with a plan that has been studied and with the alternatives clear, and then this body can give consideration to this very, very important matter.

You know, our towns have become pretty leery about precipitous actions on the part of this legislature, and they have been pretty upset with these actions that sometimes don't reflect long and hard careful consideration before we make these fundamental changes, and I would think that we could do them a favor by defeating this bill and then giving this the sort of consideration that it demands and deserves.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think that what we are doing if we defeat the bill is really playing Russian Roulette with the courts, because the court has indicated that as far as it is concerned the doctrine of sovereign immunity is dead and it only is going to take one case in which that is going to be decreed. Now, if that happens before the legislature takes action in this field, that may put some towns in a real economic bind. If, for example, the case which the suit is brought on involves a substantial amount of money, and the town is a small town, this could mean a real serious problem for that town.

I think we ought to pass an order, if that is necessary, to study the matter further, but I think in the meantime we ought to take action to protect the towns from this impending court decree which is going to come, as sure as we are standing here, if the legislature does not act.

Now, as the bill is written, it could result in an inequitable situation where some

owns buy insurance and others don't, but as a practical matter, in the charitable situation it has not worked inequitably because most charities have purchased the insurance, and the insurance is not that expensive. And it would be in the town's interest to purchase that insurance to guard against the large judgment which the court may decree, so I would think you would find the towns buying the liability insurance, you would be getting the protection for the people, and this would not at all prevent the legislature from further looking into this matter to pass more comprehensive legislation. So I hope you will vote against the pending motion. Thank you, Mr. President.

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

Mr. CONLEY: Mr. President and Members of the Senate: I find myself in a position of somewhat betwixt having a great deal of respect for all three members of the Senate serving on the Judiciary Committee. I am, however, very much aware of the many suits that have been brought against the City of Portland. And fortunately, up to this time, the city has been successful in the courts in winning the cases brought against it. However, I share the very same concern as expressed by the good Senator from Androscoggin, Senator Clifford, and whereas the City of Portland just recently passed its operations budget of something like 40 million dollars, and knowing that the taxpayers of that community right at the moment are pretty much strapped to high property taxes, I have a real deep concern about some of the matters that are still pending before the court.

Just recently when we passed the malpractice act on doctors and hospitals, there was a thought in my mind that perhaps we ought to have also included governmental bodies. The good Senator from Aroostook, Senator Cyr, mentioned several weeks ago in debate relative to certain harassment tactics that are used by well-meaning citizens that it is a very difficult thing to cope with within a community, and I believe that municipal officers at all times try to act in the best judgment but are not at all times correct in exercising their decisions. I think this is why we find ourselves, and particularly the City of Portland finds itself in some of the problems before the courts today.

To me, in listening to the debate this morning, it sounds like a very good compromise that the bill should be passed and that an order also should be passed for the Judiciary Committee to continue on with its study and to show the courts that it is undertaking this very, very serious problem. Sovereign immunity as well as charitable immunity are bills that have been before this legislature for the several terms that I have been here. In fact, I think it was back in the 102nd Legislature that we did away with the charitable immunity or up to that point of one that was insured.

I know that it costs the City of Portland thousands and thousands of dollars today just to have legal representation other than the corporation counsel to represent that city in the courts because of the work load that the corporation counsel has daily, and secondly, because of the severity of some of the charges that have been brought against the community. So I would hope the Senate would go along and accept the majority report on this bill.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, again I agree with the comments of the proponents of the bill. As Senator Conley has said, I do feel that the action of the legislature to initiate at this stage of the game ground rules for breaching what has been on the books for, as I say, many, many, many years is premature by at least six months. Let's have a reasoned approach. I do not agree, however, with the comments of Senator Clifford of Androscoggin that we are playing Russian Roulette in case the court were to decide in this area prior to the results of the study.

And apropos that particular thing, I invite your attention to a lead article in this morning's Portland paper where the court itself has finally straightened out a major problem in the legal field, and that has been the unfortunate practice of prosecuting attorneys for many, many years to bring people charged with homicide into court on a murder charge when they know very well that they don't have conclusive proof that murder was involved and they settle for manslaughter. This has been something that I think has been a blot on the State of Maine prosecutorial system for many, many years, and this action of the court in itself will bring justice in Maine now so that a person who is really in a position to be charged with manslaughter will be charged with manslaughter and not with murder. So I don't think there is any sword over our head from the action of the court. I think the statements by everybody concerned that a study order will be put in is good definite action by this body.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think on the whole this has been a productive legislative session for the people of Maine, but I am troubled at times that we are governed so much by expediency in some of these matters and we show so little foresight sometimes.

I just would say that if you pass this bill be prepared for some bewildered calls from some of your constituents who have to figure out what to do in the cities and towns after this legislature gets done taking this action. Be prepared for the caller who calls up and asks you what the legislature has done in regards to sovereign immunity, destroying the doctrine for those towns that buy insurance. The question then will be should we buy insurance. The question will be put to the town lawyer, who will say, well, if you buy insurance you will be subject to suit up to that amount, but we can't be absolutely sure that the court would uphold a distinction between a town that has insurance and a town that doesn't have insurance, holding the bar of sovereign immunity for the one and not for the other, so maybe you better buy insurance anyway. At that point the town fathers will be calling you, the members of this legislature, and saying what great thought in wisdom provoked you to take this great step forward for mankind. And you can say, well, we took this step while we tried to decide what we should do.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that the Senate accept the

Minority Ought Not to Pass Report of the Committee.

The Chair will order a division. All those Senators in favor of the pending motion that the Senate accept the Minority Ought Not to Pass Report of the Committee will please rise in their places until counted.

A division was had: 16 having voted in the affirmative, and 11 having voted in the negative, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent up for concurrence.

The Chair laid before the House the ninth tabled and Specially Assigned matter:

Bill, "An Act to Revise the Fish and Game Laws." (H. P. 1425) (L. D. 1817)

Tabled — June 9, 1975 by Senator Gahagan of Aroostook.

Pending — Enactment.

(In the House — Passed to be Enacted.)

The SPEAKER: The Chair recognizes the gentleman from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President, there is an amendment being prepared which has not yet been distributed, and I would appreciate it if someone would table this until later in today's session.

The SPEAKER: The Chair recognizes the gentleman from Penobscot, Senator Cummings.

Thereupon, on motion by Mrs. Cummings of Penobscot, retabled until later in today's session, pending Enactment.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act to Change the Name of the Department of Inland Fisheries and Game to the Department of Fisheries and Wildlife. (H. P. 413) (L. D. 588)

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

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

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)

The PRESIDENT: 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, may I request an explanation through the Chair? Yesterday it was my distinct impression that there were dollars on this bill of a magnitude so it was going to take its place along with all other money measures on the Appropriations Table, and frankly I am concerned and a little surprised that it is being removed today.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would urge all members of the Senate to seriously examine their consciences and I would ask them to consider the financial impact in the future very honestly. And most importantly, I would ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President, when the vote is taken, I would request to pair my vote with the Senator from Washington, Senator Wyman, who would be voting for the medical school, and I would be voting against.

The PRESIDENT: The Senator from Androscoggin, Senator Berry, now requests permission to pair his vote with the Senator from Washington, Senator Wyman, who, if he were here, would be voting for passage, and the Senator from Androscoggin, Senator Berry, would be voting in opposition to passage. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I very much share the concern of the good Senator from Kennebec, Senator Katz and the Senator from Cumberland, Senator Berry, regarding the financing of this particular measure. There is no one that has indicated in all of the debate that we have held on this matter that this school will not cost a considerable amount of money, running into millions of dollars, for the State of Maine at some point in the future, and I might add the very near future. And no one has yet said precisely how much the school is going to cost or is not going to cost, because I don't really feel that anyone can say precisely how much. But this legislature has been criticized in the past, sometimes unjustly, perhaps sometimes not so unjustly, for enacting measures which are not adequately funded or for which we have not provided the taxes necessary to support.

I think we all know that this measure is going to cost the State of Maine millions in the future. And with not knowing how many millions, with not knowing where that money is going to come from, I think we must seriously question a vote to enact this measure. I share the concern of the good Senators who have spoken in that regard, and would hope that the Senate would not enact this measure at this time.

The SPEAKER: The Chair recognizes the gentleman from York, Senator Hichens.

Mr. HICHENS: Mr. President, when the vote is taken, I would ask permission to pair my vote with that of the good Senator from Penobscot, Senator Curtis, who, if he were here, would vote for the measure, and I am going to vote against.

The SPEAKER: The Senator from York, Senator Hichens, now requests the Senate's permission to pair his vote with the Senator from Penobscot, Senator Curtis. If Senator Curtis were here, he would be voting in favor of this proposal, and the Senator from York, Senator Hichens, would be voting against this proposal. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the gentleman from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the procedure today is still perplexing to me. I call the Senate's attention to page 15, 16 and 17 on the Senate advance journal. These are bills of merit which have appropriations on them which are still waiting for action. And I can tell you that in the final days of this session that some of them may live and some may die. And those that live will live within the

constraints of a given amount of available revenue. It is going to be that simple.

Here is the medical school bill which has popped out of the pack to be given preferential treatment. Now, is this a shadow of things to come? And my answer is yes. Every time this legislature meets, were this bill to be enacted, we will be faced with the necessity of funding the medical school in the current services budget and, in the process, demonstrably weaken our ability to meet other state needs, other state education needs, other state social service needs, other needs that are important to this State of Maine. And I think that the procedure being followed here today pretty well proves what those of us have been saying, that this is going to be an expensive burden, and it is going to be a burden which pushes aside other state needs.

This is the first time actually we have had a clear-cut decision on the final enactment of this measure. There are in this chamber those of us who have had misgivings about this bill from the start, others who have been voting for it in order to permit it to go along its way, but the hour of decision is here. There is no more going along. Either you really, really deep down inside believe that this is good for the people of the State of Maine and within the framework of our ability to pay or you don't, and I would suggest that this is the moment of truth for everybody when we vote on the enactment of this measure.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. Speaker, Ladies and Gentlemen of the Senate: I am sure this issue is debated out and I don't have much to say. I would just like to say that this isn't the first big appropriation that we have had a chance to vote on that has gone its merry way without sitting on the table for any period of time. I think the Senate will recall that it escalated a continuing program to care for the health of Maine's trees to the tune of about 3 million dollars of state monies before the federal government had even agreed that it was going to do it. I have no quarrel necessarily with that program, but we have already committed in what seems to be an ongoing and ever enlarging program good amounts of state money, more than it will take to run this school for a year, for the purpose of protecting the health of Maine trees. And I don't think that this is the first time we have been asked to measure up on an appropriation. Frankly, I think that if we gave the same scrutiny to whether or not the proposal that was being made is honest that has been given to this matter to all other matters that came before this legislature and previous legislatures we wouldn't find ourselves in the cost overrun situation in which we have found ourselves in the past.

The SPEAKER: The Chair recognizes the gentleman from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: I would like to urge you to think of one thing, one particular thing, before you vote on this bill: the intent of this bill, the intent of getting doctors into rural areas. I think we realize that this bill will not do this. There is no way in the world that you are going to tie a man down to bring him back to a rural area after he graduates from this school, no more than you have the authority to do so with the people that you fund right now at Tufts and at the University of Vermont.

So think about this twice, and I think you will find that you are going to vote against this bill. Thank you.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: I agree with the good Senator from Kennebec that we have arrived at a juncture here where we must decide what we really, really want to do about this medical school. And after listening to the good Senator's eloquent plea this morning for expanded health and medical care, I find now that I do really, really want to support this medical school. He convinced me with those eloquent arguments this morning.

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

Mr. CIANCHETTE: Mr. President, I am going to vote for passage of this bill on a medical school, and in so doing I hope that in the final analysis, if this bill passes, that I am not voting to increase the burden to the taxpayers of the State of Maine any meaningful degree. What I would like to see is the University system set priorities on where they are going to spend their money and what forms of education they are going to be spending it on.

I can't foresee any better value for our tax dollars than a medical school program, even if it means not spending so much on other types of programs that seem to not produce as much as a medical school graduate.

For those reasons, I would urge the Senate to support the medical school bill, and hopefully in doing so we will not be increasing by any meaningful amount the spending of tax dollars of the citizens of this state.

The PRESIDENT: Is the Senate ready for the question? The pending question is the enactment of L. D. 773. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the enactment of L.D. 773. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Cianchette, Clifford, Collins, Conley, Cummings, Cyr, Gahagan, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Trotzky.

NAYS: Senators R. Berry, Carbonneau, Corson, Danton, Graffam, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas.

ABSENT: Senator Greeley.

Mr. Reeves was granted leave to change his vote from "No" to "Yes".

A roll call was had, 14 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with four Senators pairing their votes and one being absent, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. MERRILL: Mr. President, having voted on the prevailing side, I would ask that the Senate reconsider its action

whereby this bill was enacted and ask the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate reconsider its action whereby this bill was passed to be enacted. All those Senators in favor or reconsideration will say "Yes"; those opposed will say "No".

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

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 3 o'clock this afternoon.

After Recess

Called to order by the President.

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

Bill, "An Act Amending Laws Relating to Hospitalization of the Mentally Ill." (S. P. 368) (L. D. 1204)

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

Pending — Consideration.

(In the Senate — Passed to be Engrossed as Amended by Committee Amendment "A" (S-195).)

(In the House — Passed to be Engrossed Amended by Committee Amendment "A", as Amended by House Amendment "B" Thereto (H-681), in non-concurrence.)

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

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

Bill, "An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine." (H. P. 1128) (L. D. 1404)

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

Pending — Consideration.

(In the Senate — Passed to be Engrossed, in concurrence.)

(In the House — Passed to be Engrossed as Amended by House Amendment "A" (H-667), in non-concurrence.)

On motion by Mr. Corson of Somerset, retabled until later in today's session, pending Further Consideration.

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 Berry of Cumberland.

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. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act to Revise the Fish and Game Laws." (H. P. 1425) (L. D. 1817)

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

Pending — Enactment.

(In the House — Passed to be Enacted.)

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

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

In the Senate June 6, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (S-260).

Comes from the House, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

On motion by Mr. Clifford of Androscoggin, tabled and Tomorrow Assigned, pending Consideration.

Non-concurrent Matter

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)

In the House June 5, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-583).

In the Senate June 9, 1975, Passed to be Engrossed as Amended by Committee Amendment "C" (H-585), in non-concurrence.

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

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

Non-concurrent Matter

Bill, "An Act Relating to Improved Property Tax Administration" (H. P. 882) (L. D. 1150)

In the House, June 6, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-649)

In the Senate June 9, 1975, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Merrill of Cumberland moved that the Senate Recede and Concur, and Mr. Marcotte of York subsequently requested a division.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I hope the Senate would maintain its posture and vote against this motion, and that we would vote to insist and join in a committee of conference.

The SPEAKER: The Chair recognizes the gentleman from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Merrill of Cumberland that the Senate Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Amend the Definition of School Bus to Include School Buses Rented from School Administrative Units by Non-profit Organizations in Order to

Transport Children." (H. P. 1666) (L. D. 1919)

In the House June 5, 1975, referred to the Committee on Education and Ordered Printed.

In the Senate June 9, 1975, Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Katz of Kennebec, the Senate voted to Adhere.

**Joint Order
State of Maine**

In The Year Of Our Lord One Thousand Nine Hundred and Seventy-Five

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

The Lisbon High School Greyhounds

Boys' Varsity Baseball Team

Coached by George Ferguson

Mountain Valley Champions

For The Academic Year 1974-75

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. 1682)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order
State of Maine**

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-Five

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

Mrs. Carolyn L. Brooks

American Legion Post Commander

of The Mundt-Allen Post

at Bethel

and of Her Daughter

Miss Jeri Brooks,

Auxiliary Unit President

We the Members of the House of Representatives and Senate 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. (H. P. 1681)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order
State of Maine**

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-Five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

Nathan W. Watson

of Bath

Upon His retirement from

Morse High School
After 37 Years of
Dedicated Service as a
Teacher, Guidance Counselor
and Administrator

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. 1683)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. REEVES: Mr. President and Members of the Senate: I would also like to add my endorsement to this Joint Order. Mr. Watson is one of the most outstanding people in the City of Bath, and he is also the father of one of our outstanding legislators, Mrs. Kathleen Watson Goodwin.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Order be passed in concurrence?

It is a vote.

Joint Resolution STATE OF MAINE

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

JOINT RESOLUTION IN SUPPORT OF VIGOROUS ENFORCEMENT OF MAINE'S ANTI-LITTER LAWS

WHEREAS, Maine's scenic beauty is second to that of no other state in the Union; and

WHEREAS, the constantly increasing amount of trash and litter thoughtlessly strewn over Maine's roads and fields is an ugly smirch upon this scenic beauty; and

WHEREAS, the persons who so thoughtlessly scatter trash and litter are clearly breaking Maine's statutes in so doing, and deserve to be punished to the full extent of the law; and

WHEREAS, vigorous enforcement of Maine's anti-litter laws demands an aware and aroused government and citizenry; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature, in regular session assembled, do hereby respectfully urge and request the Governor of Maine, Governor James B. Longley, to encourage and vigorously support a thorough, strict and effective enforcement of Maine's anti-litter laws, as contained in Title 17, chapter 80, by state and local law enforcement officers; and be it further

RESOLVED: That we urge all Maine citizens to aid law enforcement officers to the furthest extent possible in the enforcement of Maine's anti-litter laws; and be it further

RESOLVED: That suitable copies of this resolution be sent to Governor Longley and to the Chairman of the Keep Maine Scenic Committee. (H. P. 1685)

Comes from the House, Read and Adopted.

Which was Read.

The SPEAKER: The Chair recognizes the gentleman from Kennebec, Senator Speers.

Mr. SPEERS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly do wish to endorse the intent of this joint resolution. The Legislature is not sufficiently far enough away from the very heated and emotional debate that took place and is still taking place around the State of Maine so that we should allow this joint resolution to pass under the hammer without some comment regarding this matter.

At the time when the debate was taking place in these halls, I mentioned that I felt there had to be a better way. I would like to make it very clear that I do not regard the simple passage of this resolution as being that better way. There are many on both sides of the issue who are at the present time working at this very moment to come up with a more workable and better anti-litter recycling bill. It is the intention of those of us who are working on this matter to bring all of the parties involved and concerned with finding the solution to this problem together so that they may work together toward the solution of this problem rather than being working against each other. So, while I certainly endorse the adoption of this joint resolution, I would not want it thought that this was the answer of the Maine Legislature to this problem, this and this alone.

The SPEAKER: Is it now the pleasure of the Senate that this joint resolution be adopted in concurrence?

It is a vote.

Joint Resolution STATE OF MAINE

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

Joint Resolution in Support of the 1975 Arnold Expedition Reenactment by the Arnold Expedition Historical Society

WHEREAS, companies of Maine "citizen soldiers" or militia played an important role in equipping, guiding and reinforcing the ambitious but ill-fated American expedition against Quebec in 1775; and

WHEREAS, the men of these militia companies endured extraordinary hardships on that expedition through the Maine wilderness, thereby contributing to a tradition of courage and patriotism that continues to the present day; and

WHEREAS, the epic march of these volunteer Patriots is to be reenacted in 1975 as part of our National Bicentennial Observances; and

WHEREAS, citizen volunteers of our own day have reactivated three Maine militia companies in order to take part in this observance and to help rekindle the spirit of patriotism that guided and sustained that earlier generation of Maine volunteers; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventh Legislature of the State of Maine, pause in our deliberations to salute the memory of Maine's militiamen of the Revolutionary War; to wish a safe and successful journey to those who are about to follow in their historic footsteps and to express the hope that the citizens of our State and of our Nation will look upon this reenactment as a fitting tribute to the men and a reaffirmation of the ideals that gave birth to this Republic; and be it further

RESOLVED: That copies of this citation be transmitted to the Headquarters of the Arnold Expedition Historical Society. (H. P. 1686)

Comes from the House Read and Adopted.

Which was Read and Adopted in concurrence.

Communications STATE OF MAINE

One Hundred and Seventh Legislature
Committee on Public Utilities
June 10, 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 Public Utilities has completed all business placed before it by the 107th Legislature.

Total Bills Received	72
Unanimous Reports	56
Leave to Withdraw	12
Ought Not to Pass	7
Ought to Pass	20
Ought to Pass as Amended	16
Ought to Pass in New Draft	1
Divided Reports	16

Respectfully,

Signed:

MINNETTE H. CUMMINGS
Senate Chairman

Which was Read and Ordered Placed on File.

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

June 10, 1975

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Contracts of Teachers with Municipalities" (H. P. 1033) (L. D. 1339):

Representatives:

CARPENTER of Houlton
INGENERI of Bangor
McMAHON of Kennebunk

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Clifford of Androscoggin,
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 an Exceptional Accomplishment of

Rev. MICHAEL J. McDONALD

Who has completed

25 years of dedicated service

to the people of the dioceses of Portland
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. 569)

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

Ten Sterns High School Minutemen
Boys Varsity Baseball Team
Northern Penobscot League Champions
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. 570)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Berry of
Androscoggin,

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

Lt. STEVEN MEHALCIK
of Auburn

One of the first two municipal police officers to receive an associate of science degree from the criminal justice program of the University of Maine at Augusta

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgment be extended; and; 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. 571)

Which was Read and passed.
Sent down for concurrence.

On motion by Mr. Berry of
Androscoggin,

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
Captain Robert T. Tiner, Jr.
of Auburn

One of The First Two
Municipal Police Officers to
Receive An Associate of
Science Degree From the
Criminal Justice Program of the
University of Maine at Augusta

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. 572)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Berry of Cumberland,
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 Capers of Cape Elizabeth
High School
Boys' Varsity Baseball Team
State Class B
Runner-up Champions

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. 573)

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: Yesterday saw the playoff between the Millinocket boys and the Cape Elizabeth baseball teams, and as the representative from Cape Elizabeth, I want to extend or sincere congratulations to the state champions that are represented so ably here in the Senate by Senator Pray.

The PRESIDENT: Is it now the pleasure of the Senate that this joint order receive passage?

It is a vote.
Sent down for concurrence.

Committee Reports House

Ought to Pass - As Amended

The Committee on Judiciary on, Bill, "An Act to Clarify Title to Land Where Marital Release is Omitted from Conveyance." (H. P. 876) (L. D. 1050)

Reports that the same Ought to Pass as Amended by Committee Amendment "A". (H-673).

The Committee on Labor on, Bill, "An Act to Clarify the Severance Pay Statutes." (H. P. 1082) (L. D. 1362)

Reports that the same Ought to Pass as Amended by Committee Amendment "A". (H-674).

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

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

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Establish the Maine State Ferry Advisory Board." (H. P. 1308) (L. D. 1651)

Reports that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo
Cyr of Aroostook

Representatives:

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

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-659).

Signed:

Senator:

McNALLY of Hancock

Representatives:

FRASER of Mexico
JENSEN of 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.

On motion by Mr. Collins of Knox, 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.

Enactors

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

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

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

An Act Relating to the Prescribing and Dispensing of Drugs. (H. P. 176) (L. D. 200)

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

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

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

Constitutional Amendment

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

This being a Constitutional Amendment and having received the affirmative votes of 26 members of the Senate was Finally Adopted and, having been signed by the President, was by the Secretary presented to the Secretary of State.

Orders

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

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill "An Act Making

Additional Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 574)

Which was Read and Passed.

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

The Chair laid before the House the following tabled and Specially Assigned matter:

Bill, "An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine." (H. P. 1128) (L. D. 1404)

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

Pending — Consideration.

On motion by Mr. Corson of Somerset, the Senate voted to Recede from its action whereby the Bill was Passed to be Engrossed.

House Amendment "A" was Read.

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

Senate Amendment "A", Filing No. S-290, to House Amendment "A" was Read and Adopted and House Amendment "A", as amended by Senate Amendment "A" Thereto, was Adopted.

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

The Chair recognizes the gentleman from Cumberland, Senator Graham.

Thereupon, on motion by Mr. Graham of Cumberland, a division was had, 23 having voted in the affirmative, and five having voted in the negative, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent up for concurrence.

The Chair laid before the House the following tabled and Specially Assigned matter:

Bill "An Act to Revise the Fish and Game Laws." (H. P. 1425) (L. D. 1817)

Tabled — earlier in the day by Mr. Speers of Kennebec.

Pending — Enactment.

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

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

Senate Amendment "C", Filing No. S-287, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent up for concurrence.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.