

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, June 12, 1975

Senate called to order by the President.

Prayer by Rev. Barry Fearon, First Baptist Church of West Gardiner.

Shall we pray. Our Father and our God, we offer unto Thee our humble praise and thanksgiving for the gift of physical life but, more than that, for the promise of eternal life through faith and trust in Thy son, the Lord Jesus Christ.

We also thank Thee, our Father, for Thy faithfulness to us as a nation for these past 200 years, and as we look to the future we tremble as we contemplate our possibilities and for the great potential that lies before us. We realize the destiny of our nation lies in your hands, and we ask that we might continue as the faith of our fathers began this nation.

We pray Thy blessings upon this body that Thou would given unto them the awesome sense of responsibility not only to the people of this state but unto Thee to whom they shall have to give final account. We pray that Thou wilt give them wisdom today as they deal with the problems of this state, and the decisions that they make, may they be according to Thy perfect will and wisdom.

We pray for our nation this morning, for the freedom that seems to be slipping away from us day by day. We realize that morality cannot be legislated, but we ask that the people of this country shall be given a sense of responsibility unto Thee. May these people here sense the mood of the people of this state. We pray for our Governor and for all those who are in authority over us. We pray in the name of Jesus Christ our Lord. Amen.

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

Mr. HICHENS: Mr. President and Members of the Senate:

On this the twelfth day of the month
We halt deliberations

To honor one who serves us well

With the appropriations

That are attached to many bills

Now laying on the table,

And hopefully will all be passed

If we're adept and able

To show the value and the need

To those of His Committee,

And if we fail in our desires

It will be quite a pity,

He's also made himself a name

For repeal of abortion

Bills that now are on the books,

(Beyond well known proportions).

His family planning arguments,

And bill to sterilize

Raise eyebrows of the pious folk,

But it is no surprise

To see them passed to be a law

Within the State of Maine,

And what is loss for some concerned

Is someone else's gain.

But on this day, the twelfth of June,

Disagreements laid aside,

I write this and congratulate

Him whom with we all abide;

And e'en though our philosophies

Are like those of Maine with Cuba,

I wish the best — and know you do too,

For our colleague — David Huber.

Reading of the Journal of yesterday.

Papers from the House

Non-concurrent Matter

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

In the Senate June 9, 1975, Bill and accompanying papers Indefinitely Postponed.

In the House June 11 1975, Passed to be Engrossed as Amended by House Amendment "A" (H-722) and Committee Amendment "A" (S-255) in non-concurrence.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would call attention to House Amendment 722. I think this is the answer to many of the objections that I heard from some of you to the passage of this bill. The statement of fact says, "The purpose of this amendment is to establish eligibility guidelines for lifeline electrical rates to correspond to income guidelines in the Elderly Householders Tax and Rent Refund Act."

The last paragraph is, "No claim for lifeline rate otherwise allowable shall be granted to claimants of single member households with household income in excess of \$4,500 for the previous calendar year; and no claim otherwise allowable shall be granted to claimants of households of 2 or more members with income in excess of \$5,000 for the previous year". I think that this irons out some of the difficulties that some of you may have had in supporting this. I move, Mr. President, that we recede and concur with the House.

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

Mr. KATZ: Mr. President, I am not quite clear how this amendment would be applicable. Might I inquire through the Chair to anyone who might care to answer me, presumably are the utilities going to be required to make a financial evaluation of each of their clients above the age of 62? Could somebody explain how this compromise might possibly work in the administration of it?

The SPEAKER: 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 gentleman from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, it is my understanding that this will work the same as the elderly tax and rent relief program in that the PUC would set up these regulations. It would not be a burden on the power companies.

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

Mr. KATZ: Mr. President, I can only conclude that subject to the regulations of PUC these public utilities are going to be required to accept applications from low income elderly based upon the filing of a financial statement. If this is true, you know, God Bless us, we have enough bureaucracy in state government; are we now going to apply this income factor and bureaucracy on the utilities? If that is the purpose of this amendment, I restrain my enthusiasm very, very carefully and request a division.

The SPEAKER: A division has been requested. The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, this has the blessing of the PUC. They don't seem to consider it a burden. I don't know how the elderly household reduction works, but I would imagine there would be a way they could just have an indication

that they are eligible for that, and use that with the PUC to establish themselves as being qualified for this reduction.

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

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen of the House: The other day we were told that there was an enormous differential between the small user and that some indigent elderly were being called upon to pay twelve cents per kilowatt, and it sounded outrageously high to me. I have conscientiously tried to keep my use of electricity down and you will be glad to know, although it is not relevant, that by turning off the light and only watching one television set at one time I have reduced my electric consumption by 16 percent this past year.

The figures that we used were not really accurate. I did some homework and found out that on one of these 500 kilowatt bills, the first 30 kilowatts is at the rate of \$3, which means three cents, and by the time you add onto it, and add on fuel adjustment costs, you are still a long, long way from any figures that were mentioned here the other day.

On the motion to recede and concur, Mr. President, I request a roll call.

The SPEAKER: 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 gentleman from Cumberland, Senator Conley.

Mr. CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: The good Senator from Penobscot, Senator Cummings, has tried to spell out to the Senate exactly what the House Amendment has done to this bill. The last time we debated this measure there was opposition to it because of the fact that it was a blanket coverage for the elderly as cut down to three counties. There has been built into this bill now, through the House Amendment, some restrictions relative to the amount of income that is provided within those households, and spells out as to the number of dependents, etc.

I would hope the Senate would vote with the motion of the Senator from Penobscot, Senator Cummings, to recede and concur.

The SPEAKER: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cummings, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graham, Hichens, Huber, Johnston, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Trotzky.

NAYS: Senators Berry, R.; Collins, Graffan, Greeley, Katz, Speers, Thomas, Wyman.

ABSENT: Senator Jackson.

A roll call was had. 23 Senators having voted in the affirmative, and eight Senators having voted in the negative, with one Senator being absent, the motion prevailed.

Non-concurrent Matter

Bill, "An Act to Establish the Citizen,

Woodcutting Act." (H. P. 1228) L. D. 1754)

In the Senate May 30, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-523), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "B" (H-728) Thereto, in non-concurrence.

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

Non-concurrent Matter

Joint Order (S. P. 555) Relative to Joint Select Committee on Jobs Making its Final Report to the Legislature no later than Friday, June 13, 1975.

In the Senate June 6, 1975, Read and Passed.

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-716), in non-concurrence.

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

Non-concurrent Matter

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

In the Senate June 4, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (S-242).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-698) Thereto, in non-concurrence.

Mr. O'Leary of Oxford moved that the Senate Recede from Passage to be Engrossed.

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

Mr. MERRILL: Mr. President, I would oppose the motion, ask for a division, and wish to speak to the matter.

The SPEAKER: The Senator has the floor.

Mr. MERRILL: Mr. President, this is a bill that is sponsored by the good Senator from Oxford, Senator O'Leary, and it is a bill with which I have great sympathy. In point of fact, I went to testify for this bill, and because of some of the intervenors in that hearing that went on and on, I didn't get a chance to testify until, I think it was probably 6:30 in the evening.

The Senator from Oxford has done a great deal of work on this bill in order to put it in the posture where anything could be passed, and I think the work has paid off in the form of a good bill. The bill comes back to us from the House with an amendment which replaces the words and these are the words that limit whether or not a person intervening — all these words take on connotations in this bill, but an individual or a firm or organization who enter into an action before the Board of Environmental Protection — the limiting words as the bill left this body were "are or will be directly and substantially affected by". If we were to recede and concur, those words would be replaced with "have a substantial interest in". If we were to recede and then accept the amendment that has been proposed by the Senator from Oxford, those words would be replaced by "are or will be substantially affected by".

Now, the reason I oppose the motion to recede is that I think there is a lot of good in this bill, enough so I don't want to see it die in a battle of semantics between the houses in this late hour of the legislative

session. And frankly, although I know that this amendment is offered with the best of intentions by the Senator from Oxford, looking at the wording of these two amendments, I think we have come to what is purely a battle of semantics. I think if you put a hundred lawyers together in a room and asked them to tell you what the difference is between "have a substantial interest in" and "are or will be substantially affected by", fifty of them would probably say that there is no real difference in that phraseology, that the standing will come out about the same, and the other fifty would probably kill themselves in the course of an hour in a heated discussion.

For that reason, I think, and because I think there is a lot that is good in this bill, particularly the part that requires anybody who is going to engage in a hearing is anything but an interested person, anyone who wants to be an intervenor or party is going to have to document his concern and his expertise by filing a brief before the hearing. And that brief can be used to limit the engagement of that party or that individual to those areas that they have shown legitimate differences in and those areas where they have shown expertise. I think that is the heart of this bill because, frankly, anybody who wants to engage in a hearing can eventually find somebody that meets any one of the three tests that we have been playing with as this bill has gone through.

There was a case having to do with standing in California, and in that case the Sierra Club tried to broaden standing so as to be able to have a much easier job to get into court, and they lost the case. The court said you have to have more interest than what you are alleging in your papers here. They immediately went out and found some farmer that lived up the road from the project, boot strapped their own interests with his, and got themselves right back in again.

I think what we have to do here, and what is good about this bill, and why this bill deserves passage and deserves to be in a concurrent posture, is the fact that we are going to force people to make a serious showing of what their interest is, through this filing of this brief, and what their expertise is, what they can offer to the process in a factual way in the process of trying to uncover the facts, and not just having the thing turn into a witch hunt. For that reason, I would ask the Senate to reject the motion to recede, and then I would offer the motion to recede and concur.

The SPEAKER: The Chair would advise the Senator from Cumberland, Senator Merrill, that he may not oppose the motion to recede and then move to recede and concur.

Mr. MERRILL: Mr. President, I would request a division. If we do take the action to recede, then I will move to concur.

The SPEAKER: The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that the Senate recede.

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

A division was had, 30 having voted in the affirmative, with no one voting in the negative, the motion prevailed.

Mr. Merrill of Cumberland then moved that the Senate Concur.

The SPEAKER: The Chair recognizes the gentleman from Knox, Senator Collins.

Mr. COLLINS: Mr. President, when this bill was in the Senate before, I voted

against it because I felt that it too severely restricted the opportunity for the public to participate and to cross-examine. With the amendment placed on it by the other body, I am now ready to support it because I believe there is now at least some opportunity for people with substantial interest to become involved in the proceedings, although in a more restricted way than I might wish. But I think as a matter of preserving the good features of this bill that we ought to pass it as amended by the other body. I support the motion to concur.

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

Mr. O'LEARY: Mr. President, I appreciate the remarks of the two previous speakers. I have worked hard on this bill and have compromised it many times, and I am in the process of trying to compromise it once more. So I hope we would defeat the motion to concur so that I may present my amendment and speak to it. Then we should have a vote on it.

The SPEAKER: The Chair understands the Senator from Oxford, Senator O'Leary, now moves that the Senate recede from adoption of Committee Amendment "A"?

Mr. O'LEARY: Yes, Mr. President.

The PRESIDENT: Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would ask for a division on that motion.

The PRESIDENT: A division has been requested. Will all those Senators in favor of receding from adoption of Committee Amendment "A" please rise in their places until counted.

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

House Amendment "A" to Committee Amendment "A" was Read.

Mr. O'Leary of Oxford then moved that House Amendment "A" to Committee Amendment "A" be Indefinitely Postponed.

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

Mr. BERRY: Mr. President, I oppose the motion and will 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 Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President and Members of the Senate: I wonder if somebody would explain this issue a little more clearly?

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, as I understand the motion before the body, it is to indefinitely postpone the amendment which was put on this bill in the House, which I alluded to earlier. The amendment replaces the word "directly" in what essentially required a direct substantial interest in order for a firm or individual to be a party before a hearing of the Board of Environmental Protection. The reason

that the word "direct" is removed, and the reason that I think that is a good idea, is because there are court cases which have defined the word "direct" here in the State of Maine which would have the effect that, to give a couple of examples, if a person owned a hotel that was on a street that ran perpendicular to a beach, and that was a resort hotel and he depended on the beach for a living, but he wasn't a riparian owner, he didn't own property on the beach itself, there are court cases that suggest that that person may not have a direct interest; he obviously has a substantial interest.

The same would be true of someone who owned a camp that didn't set directly on the lake or the river, but nonetheless the value of that camp to him was the lake or the river and the opportunities that it afforded him in a recreational way; that person wouldn't have a direct interest.

So those who knew of these cases and were concerned about this one aspect of the law amended this bill in the other body.

I would assume that the purpose for indefinitely postponing this amendment is to offer the other amendment which I alluded to, which essentially requires not only that it be a substantial interest but that it be a substantial interest that affects the interest of the person with the property. And as I think I have stated already, I think the difference between those two is theoretical at best, and I think the best posture for us to be in is a posture of concurrence and, therefore, I would oppose the motion to indefinitely postpone the House Amendment to this bill.

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

Mr. O'LEARY: Mr. President, I think perhaps at this time I should explain my amendment so we can save ourselves a lot of time in going through all the procedure.

I suppose I feel like a leprechaun after reading the papers of last Sunday and Monday, where I had been made out to be an ogre of some kind or other. But this amendment makes parties those who are substantially affected by the proposal. Others who have an interest are intervenors. This should make clear our purpose that all those who are substantially affected, such as the local people, whether the effect is economic or environmental, have full rights as parties. I am trying to draw a fine line so there will be no misinterpretation, and it is a compromise with the other body. Others who simply have an interest have the lesser right of intervenors.

This amendment is similar to House Amendment "A" in that it eliminates the requirement of being directly affected. I believe this language will make the difference clear so that these matters won't be in continuing dispute.

Anyone can claim an interest, anyone can claim to be substantially interested. Any law student writing a term paper on environmental law is substantially interested in environmental hearings. Only those who are affected would be parties. There is a big difference, and that is what I am trying to differentiate in this amendment. It goes along with the House Amendment, and I would ask that you support me and get this bill on its way to being enacted. Thank you.

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

Mr. COLLINS: Mr. President, I ask leave to pair my vote on this matter with the Senator from Cumberland, Senator

Jackson, who, if he were here, would be voting yes, and I would be voting no.

The PRESIDENT: The Senator from Knox, Senator Collins, now requests permission from the Senate to pair his vote with the Senator from Cumberland, Senator Jackson, who, if he were here, would be voting yes, and the Senator from Knox, Senator Collins, would be voting no. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: In response to Senator Graham's inquiry, I would like to express my non-legal understanding of the problem and why I feel it is so significant that a roll call is necessary.

I think that since the inception of our environmental laws, which, as I have mentioned many times, were with a great deal of blood, sweat and tears put on the statute books of the state, there has been damage done to orderly consideration of development in this state subject to these laws. This damage has been unintentional, I think. It has been occasioned by well-meaning people, but I would be one of the first to say that those people who are crying for an economic consideration, and our environmental laws are to be questioned, have a point. I think that this particular amendment is a key to the problem and is why I support the amendment. Damage has been done to the environmental cause by frivolous participation in many of these cases. And I think it is extremely important, in order to maintain the posture of the laws that are doing so much to keep our state in the condition it should be, that these well-meaning but really frivolous participations should be terminated.

Now, this is a very fine line, and this is why we have the debate between our two good Senators here who are so properly and well versed in the legal aspects of our environmental laws. If we do not define this different posture here by maintaining the House Amendment, we are going to exclude from participation in environmental matters many people who properly should be. Not, let me say if the House Amendment is retained, if you vote to keep it, and we are successful in keeping the House Amendment on the bill, an example would be that the concerned citizens who participated in the Sanford Refinery, such as the Kennebunk residents who were properly worried about their water supply and the impact of the several pipelines crossing it, they would have posture before the Board and they could intervene. But the casual — I won't say law student, but the casual person who really wanted a chance to appear in public and get his name in the paper, or who really had perhaps a genuine sole concern of his own, could not and cannot under this House Amendment.

So this is why I think it is very important. I think this will keep out of the picture those people who really don't have anything to contribute. It will permit to stay in the picture those people who do have something to contribute, but it will not do what Senator O'Leary's Amendment would do, and that is keep out practically everybody who didn't have a very, very, direct interest in the matter. So I would hope that we would retain House Amendment "A", or whatever it is.

The PRESIDENT: The Chair recognizes

the Senator from Aroostook, Senator Johnston.

Mr. JOHNSTON: Mr. President, I disagree with the good Senator from Cumberland in his remarks regarding the directness involved here. The amendment which Senator O'Leary proposes does not preclude anybody who is not directly affected from entering into these matters.

The first time around in the debate on this particular bill, I made the point that this bill, if anything, is too lenient, and I made the statement that it gave every conceivable right to those who are directly and substantially affected. Now, in the House Amendment the word "directly", and I think properly so, was removed from this piece of legislation, so that somebody who had a camp lot two lots away from the shorefront would be able to become involved in these proceedings in front of, for instance, the Board of Environmental Protection.

Having removed the word "directly" and substituting "substantially interested", I think we destroyed now the other side of the coin, because some of these people who are frivolously involved in these things as intervenors would still be able to demonstrate substantial interest. There are also those people who could get involved whose involvement is something more than frivolous, but whose determination as to whether or not a development should take place is related not to whether or not a development is a good or a bad development but to his or her own particular philosophy. I think that those people should be made to demonstrate that they are in fact affected.

So I would support the motion of the Senator from Oxford to indefinitely postpone the House Amendment, so that he might propose his own amendment which does cause an individual to demonstrate that he or she is substantially affected outside of being substantially interested. I think it is a fine point but I think that it is a very important point.

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

Mr. MERRILL: Mr. President and Members of the Senate: Just briefly, we have heard a short exchange about the semantic difference on this, and this isn't even a room full of lawyers. I can't imagine what we would have if we got 33 lawyers in here to sit down and discuss the difference between these two amendments. I really think that it might result in some sort of mayhem.

I really think that what we see with the semantic disagreement here is a clear demonstration that the difference isn't important enough to put ourselves in a position of non-concurrence; that the really important thing about this bill is the requirement that these people that do enter into these hearings file some sort of a brief ahead of time which described their expertise and their interest so that the Board can make a determination as to what areas those people have a contribution to make in the factfinding process, if any, and limit their participation to those particular areas.

That is what is important about this bill. That is why if we pass this bill we can solve the problem that Senator Berry has spoken about, we can solve the problem that the Senator from Oxford, Senator O'Leary, is concerned about, and that is why this is too.

important to have ourselves lose the bill in a battle of semantics.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that the Senate indefinitely postpone House Amendment "A". A "Yes" vote will be in favor of the indefinite postponement of House Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLLCALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Corson, Cyr, Danton, Graffam, Hichens, Johnston, Marcotte, McNally, O'Leary, Roberts, Thomas, Wyman.

NAYS: Senators Berry, R.; Cummings, Curtis, Gahagan, Graham, Greeley, Huber, Katz, Merrill, Pray, Reeves, Speers, Trotzky.

A roll call was had. 17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with two Senators pairing their votes, House Amendment "A" to Committee Amendment "A" was Indefinitely Postponed in non-concurrence.

Mr. O'Leary of Oxford then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-302, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Non-concurrent Matter

Joint Order (S. P. 558) Relative to Recalling from Legislative Files (H. P. 1332) (L. D. 1644).

In the Senate June 6, 1975, Read and Passed.

Comes from the House, Indefinitely Postponed in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools." (S. P. 476) (L. D. 1609)

In the Senate June 4, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-252), in non-concurrence.

Comes from the House, Failed of Passage to be Engrossed.

Mr. Katz of Kennebec then moved that the Senate Recede and Concur.

Thereupon, on motion by Mr. Conley of Cumberland, tabled until later in today's session, pending the motion by Mr. Katz of Kennebec that the Senate Recede and Concur.

Non-concurrent Matter

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

In the Senate June 5, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-263).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A", as Amended by House Amendments "A" (H-705) and "B" (H-717) Thereto, in non-concurrence.

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

The PRESIDENT: The Senator has the floor.

Mr. CYR: Mr. President and Members of the Senate: In the other body they put on two amendments. One is to reduce the size of the commission from seven to five, with the same provision of having all public members, which is acceptable to me. The second amendment was a clarification of some of the language, which is also acceptable to me. So I hope you go along with this motion of receding and concurring with the other body, and I hope that this compromise will bring peace and tranquility to the milk industry. Thank you.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now moves that the Senate recede and concur with the House. Is this the pleasure of the Senate? The motion prevailed.

Joint Resolution

STATE OF MAINE

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

Joint Resolution Designating Bar Harbor Airlines Aircraft N 200TC as the Official Bicentennial Airplane for the State of Maine

WHEREAS, the United States of America will soon celebrate its 200th birthday; and

WHEREAS, the State of Maine, its citizens and many Maine organizations are participating in Bicentennial programs; and

WHEREAS, Bar Harbor Airlines is also participating in the Bicentennial by painting Beech 99 Aircraft N 200TC in a Bicentennial motif; and

WHEREAS, Bar Harbor Airlines plans to name this aircraft the State of Maine and to carry the Bicentennial theme to many corners of our country; and

WHEREAS, Bar Harbor Airlines will entertain proposals from interested parties for participation in Bicentennial events within and on behalf of the State of Maine; now, therefore, be it

RESOLVED, that We, the Members of the 107th Legislature in regular session now assembled, do hereby proclaim Bar Harbor Airlines Aircraft N 200TC to be the official Maine Bicentennial Airplane and call upon the citizens of the State of Maine to recognize this aircraft as the State of Maine's Flying Birthday Card to our country; and be it further

RESOLVED, that a suitable copy of this Joint Resolution be sent by the Secretary of State to Bar Harbor Airlines for appropriate display upon the Bar Harbor Airlines Aircraft N 200TC. (H. P. 1695)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Communications

STATE OF MAINE

One Hundred and Seventh Legislature

House of Representatives

Office of the Clerk

Augusta, Maine 04330

June 11, 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 Amending Laws Relating to Hospitalization of the Mentally Ill" (S. P. 368) (L. D. 1204).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

State of Maine
Office of the Governor
Augusta, Maine
04330

June 11, 1975

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

I am today returning, without my approval and signature, L. D. 758, An Act Relating to Weekly Compensation Paid Under the Workmen's Compensation Law.

If this bill were to become law, it could be a severe hindrance to potential economic development in Maine. It particularly affects small businesses by adding to the operating costs in a time of high prices, high unemployment and crippling inflationary trends.

I am concerned that this legislation provides benefits primarily to those employees at higher income level without corresponding benefits to those employees at the lower levels.

I am today requesting that the Insurance Superintendent in the Department of Business Regulation undertake a comprehensive study of the workmen compensation practices in Maine as compared to neighboring states. I am convinced that they could represent a deterrent to the growth of Maine's economy unless we move cautiously.

The changes contained in this bill do not take effect immediately; therefore, I feel that legislative actions in these areas should be deferred until a thorough study has been completed of all phases of Workmen's Compensation laws in Maine.

I am confident the study will be completed in time to be included in comprehensive legislation at a later date that will not delay the effective dates contained in the bill.

I respectfully ask that you sustain my veto.

Very truly yours,
JAMES B. LONGLEY
Governor of Maine
(S. P. 580)

Which was Read and Ordered Placed on File.

Sent down for concurrence.

The President stated the question before the Senate: Shall this Bill become a law notwithstanding the objections of the Governor?

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

Committee Reports

House

Ought to Pass - As Amended

The Committee on Public Utilities on, Bill, "An Act to Further Define and Protect Surface Sources of Public Water Supplies in Maine." (H. P. 847) (L. D. 1034)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-677)

The Committee on State Government on, Bill, "An Act to Create the Office of Ombudsman." (H. P. 267) (L. D. 315)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-672).

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 Election Laws on, Bill, "An Act to Create a Presidential and Vice-presidential Primary Election." (H. P. 971) (L. D. 1212)

Reported that the same Ought Not to Pass.

Signed:

Senator:

BERRY of Cumberland

Representatives:

BUSTIN of Augusta

DURGIN of Kittery

CALL of Lewiston

SHUTE of Stockton Springs

TALBOT of Portland

BIRT of E. Millinocket

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-550).

Signed:

Senators:

CORSON of Somerset

O'LEARY of Oxford

Representatives:

MACKEL of Wells

KENNEDY of Gray

BOUDREAU of Portland

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

Which reports were Read.

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

Mr. CORSON: Mr. President and Members of the Senate: I think this item deserves a word of explanation. The bill as originally submitted would provide for the State of Maine to join in a regional presidential primary with the other New England States, with the exception of New Hampshire, who refuses to get along with anybody and has just passed a state law that says its primary is going to be always a week before anybody else's.

At this moment, we have been in communication with the other states and the situation, I feel, is still in a state of limbo. There might be some merit to the State of Maine joining with other New England States in a regional presidential primary, if everyone could get together. The Committee on Election Laws in conjunction with the office of the Secretary of State plans to explore this possibility over the intervening months between now and our next session.

I would like to point out that for a presidential primary to be conducted separately from our statewide primaries would run roughly \$100,000. Adding the presidential primary to the existing primary would run roughly \$30,000. Of course, these figures are only approximate as we can't really nail it down.

I see personally little merit in having a presidential primary all by ourselves, a primary that would only be advisory, although I did feel the question deserved some debate and consideration. I don't think the state can afford to have a presidential primary all by itself in April

at a cost of \$100,000. Therefore, I would move that the Senate accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Somerset, Senator Corson, now moves that the Senate accept the Majority Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed.

Senate

Ought to Pass — As Amended

Mr. Graham for the Committee on State Government on, Bill, "An Act Establishing Registration Procedures for Administrative Lobbyists and Proscribing Certain Lobbying Activities." (S. P. 474) (L. D. 1608)

Reported that the same Ought to Pass as Amended by Committee Amendment "A". (S-297).

Mr. Clifford for the Committee on Judiciary on, Bill, "An Act Insuring Due Process of Law to Consumers in the Foreclosure of Real Estate Mortgages and to Require Accounting for Surplus Therefrom." (S. P. 397) (L. D. 1283)

Reported that the same Ought to Pass as Amended by Committee Amendment "A". (S-298).

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

Divided Report

The Majority of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Relating to the Powers of the Governor and Providing for the Selection of the Members of the Executive Council. (S. P. 268) (L. D. 876)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CURTIS of Penobscot

GRAHAM of Cumberland

Representatives:

PELOSI of Portland

KANY of Waterville

SNOWE of Auburn

COONEY of Sabattus

CARPENTER of Houlton

QUINN of Gorham

STUBBS of Hallowell

LEWIN of Augusta

WAGNER of Orono

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-300).

Signed:

Senator:

WYMAN of Washington

Representative:

FARNHAM of Hampden

Which reports were Read and the Majority Ought Not to Pass Report Accepted.

Sent down for concurrence.

(See action later in today's session.)

Second Readers

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

House

Bill, "An Act Authorizing the Licensing of Indoor Tennis Clubs, Indoor Skating Clubs and Golf Course Clubs for the Sale of Alcoholic Beverages without Requiring the Sale of Food." (H. P. 1631) (L. D. 1906)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes

the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: The amendment which was discussed in the debate yesterday has been prepared. It is being printed and is not here ready for distribution, so I would appreciate it if someone would table this until later in today's session.

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

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

House — As Amended

Bill, "An Act Relating to Political Fundraising by State Employees." (H. P. 1382) (L. D. 1686)

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

Sent down for concurrence.

Senate

Bill, "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 577) (L. D. 1928)

Which was Read a Second Time.

On motion by Mr. Greeley of Waldo, tabled pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act Relating to the Registration and Practice of Professional Engineering." (S. P. 112) (L. D. 377)

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

Bill, "An Act to Increase the Maximum Penalty for Shoplifting and Provide for the Detainment of Persons Suspected of Shoplifting." (S. P. 452) (L. D. 1511)

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

Sent down for concurrence.

Bill, "An Act Extending Collective Bargaining Rights to University of Maine Employees." (S. P. 243) (L. D. 827)

Which was Read a Second Time.

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

Mr. CURTIS: Mr. President, I am having an amendment drawn up and it is not ready yet, so I would ask if somebody might able the matter until later in today's session.

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

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

Enactors

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

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

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

An Act to Provide Special Designating Registration Plates for Certain Veterans. (H. P. 450) (L. D. 557)

An Act Relating to Occupational Safety

and Health in Public Employment. (H. P. 478) (L. D. 646)

An Act Relating to the Maine Dairy and Nutrition Council. (H. P. 642) (L. D. 825)

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

An Act Concerning the Filing of the Office of Register of Deeds. (H. P. 856) (L. D. 1070)

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

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

An Act Concerning V-notching of Female Lobsters. (H. P. 1074) (L. D. 1354)

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

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

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

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.

Resolve, Appropriating Funds for the Reimbursement of the Town of Stoneham for Property Declared Tax Exempt After the Determination of the State Valuation. (H. P. 1662) (L. D. 1914)

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

Emergency

An Act to Incorporate the Baileyville Utilities District. (H. P. 1509) (L. D. 1840)

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

Reconsidered Matter

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its action of earlier in today's session whereby the Majority Ought Not to Pass Report of the Committee was Accepted on the following: Resolution, Proposing an Amendment to the Constitution Relating to the Powers of the Governor and Providing for the Selection of the Members of the Executive Council. (S. P. 268) (L. D. 876)

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

Orders of the Day

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

House Reports — from the Committee on Judiciary — Resolution, Proposing an Amendment to the Constitution to Provide a Non-jury Trial for Petty Criminal Offenses. (H. P. 301) (L. D. 351) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — June 11, 1975 by Senator Conley of Cumberland.

Pending — Motion of Senator Collins of Knox to Accept the Minority Ought to Pass Report.

In the House — Majority Ought Not to Pass Report Read and Accepted.)

The PRESIDENT: A roll call has been

requested. Is the Senate ready for the question?

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

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R.; Collins, Corson, Curtis, Cyr, Danton, Gahagan, Graffam, Greeley, Hichens, Huber, Katz, McNally, O'Leary, Pray, Roberts, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Cummings, Graham, Marcotte, Merrill, Reeves, Speers.

ABSENT: Senators Jackson, Johnston.

A roll call was held. 19 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with two Senators being absent, the Minority Ought to Pass Report of the Committee was Accepted in non-concurrence, the Resolution Read Once and Tomorrow Assigned for Second Reading.

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

Bill, "An Act to Establish the Maine State Ferry Advisory Board." (H. P. 1308) (L. D. 1651)

Tabled — June 11, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-659).)

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

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

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

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

On motion by Mr. Katz of Kennebec, the Senate then reconsidered its former action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "B", Filing No. S-303, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

JOINT ORDER — Relative to Joint Select Committee on State Property Tax Valuation. (S. P. 490)

Pending — Passage

(In the Senate — Senate Amendment "A" (S-123), Adopted.)

Mr. Katz of Kennebec then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-304, was Read and Adopted.

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

The following Bill was held at the request of Senator Marcotte of York on

June 11, 1975, pending Consideration:

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

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

(In the Senate — Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" Thereto (S-270))

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

Mr. MARCOTTE: Mr. President, having voted on the prevailing side, I now move that we reconsider our action whereby this bill was passed to be engrossed as amended by Committee Amendment "A", as amended by Senate Amendment "A" Thereto.

Thereupon, on motion by Mr. Corson of Somerset, tabled and Tomorrow Assigned, pending the motion by Mr. Marcotte of York to Reconsider.

The following bill was held at the request of Senator Carbonneau of Androscoggin on June 11, 1975, pending Consideration:

Bill, "An Act Relating to Termination of Utility Service." (H. P. 1361) (L. D. 1663)

On motion by that same Senator, the Senate then voted to reconsider its former action whereby the Bill was Indefinitely Postponed.

Mr. Graham of Cumberland then moved that the Bill be Passed to be Engrossed, and Mr. Roberts of York subsequently requested a roll call.

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

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

(Off Record Remarks)

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 to Establish the Citizen Woodcutting Act." (H. P. 1228) (L. D. 1754)

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

Pending — Consideration.

(In the Senate — Passed to be Engrossed as Amended by Committee Amendment "A" (H-523), in concurrence.)

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A"; as Amended by House Amendment "B" Thereto (H-728).)

Mr. Cyr of Aroostook moved that the Bill and accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Chair would advise the Senator from Aroostook that in order for is motion to be in order, the Senate must first recede from its previous action whereby it is not in concurrence with the House. The proper motion at this point would be to recede.

Mr. CYR: I so move, Mr. President.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now moves that the Senate recede. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: The Senator has the floor.

Mr. CYR: Mr. President and Members of the Senate: I don't know if any of you have read this bill but it is quite a bill, particularly with the amendment. The amendment that was put on in the other body is even worse. If you look at the amendment, it says in the fourth line striking out the underlined words "citizens with low incomes" and inserting in place thereof the underlined words "Maine citizens", and so forth, it goes right down through. So, in other words, everyone in the State of Maine will be allowed to just go and cut wood on these public lots.

I suppose if I wanted to be selfish about it, this would only legalize what is going on in the Allagash today, however, I am looking at it from the standpoint of what is best for the State of Maine. In the first place, most of these public lots are not identified. They are just in the townships, and they are not identified. Now, if you allow some of these characters to just go out and cut their own firewood, you are going to have the worst darn mess in the woods that you have ever asked for. Plus the fact that the bill calls for today firewood.

Now, I am willing to put a bet with you that next time it is going to be for a log cabin, wood for a log cabin. In fact, the author of this amendment, I read in the paper last week that he is planning to build such a log cabin, so I wouldn't be surprised that a lot of this firewood, that is where it is going to go, into log cabin logs. And then in the year after, the session after that, you are probably going to have a bill here to allow squatters on these public lots. So where is the end of it? I think this bill is ridiculous and needs to be killed, and killed very fast.

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

Mr. McNALLY: Mr. President and Members of the Senate: When I mow my lawn once in a while, around the edge near the road there is an ant hill, and when the lawnmower runs over the top of it and the black ants run out of it, this is what I can picture with this bill, if it is passed. There will be more trouble come out of it than there are those little black ants that come out of the top of those hills. But the thing that bothers me about the whole thing, this is another one of those gems whereby the Inland Fish and Game will help to see that it is administered and enforced. And if this thing is passed, I can tell you that the small license raises that we had in our last bill will be nothing like what we will have to have in order to hire the extra wardens to do this enforcing for this particular item.

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

Mr. MERRILL: Mr. President, what is the motion before the body?

The PRESIDENT: The pending question before the body is the motion by the Senator from Aroostook, Senator Cyr, that this bill and all its accompanying papers be indefinitely postponed.

Mr. MERRILL: Mr. President, I would like to speak against the motion, and begin by asking that when the vote is taken that we have a division.

I think that the analogy to an ant hill might be quite good with this bill. I think maybe we are trying to make a mountain

out of that ant hill so that the Senator can't get his mowing machine through it.

The U.S. Forestry Department has a program like this, the State of Massachusetts has a program like this, the State of Connecticut has a program like this, and I think it is a fairly small step to take. It might provide some help to some people that are having trouble with fuel prices. We are not out in the front on this thing, and it hasn't caused any major problems in those jurisdictions that I have spoken about just now that have a program such as this. I think that it is probably more symbolic than an actual step. I don't think that there will be any great hordes running through our forests, but I think that maybe it is an important symbolic step for this legislature to take, and I support it.

I would ask that the Senate vote against the motion to indefinitely postpone.

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

Mr. O'LEARY: Mr. President, would the Secretary please read the committee report.

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Committee on Natural Resources, to which was referred the Bill, "An Act to Establish the Citizen Woodcutting Act", Emergency, (H. P. 1228) (L. D. 1754), have had the same under consideration and ask leave to report that the same Ought to Pass, as Amended by Committee Amendment "A", and it is signed by Representative Curran of Bangor.

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

Mr. O'LEARY: Mr. President, I would have everyone note that this bill came out of committee unanimous Ought to Pass, and this practice being espoused in this piece of legislation is already taking place in the White Mountains National Forest in Stoneham and Lovell. What is being proposed is that these trees shall be marked and then these people who need this wood shall cut it and transport it to their homes. We don't anticipate any exodus of people from, say, Kittery, going up to the Allagash or such.

I think with the high cost of fuel bills that is being projected, another \$360 for every man, woman and child in this state, if we can allow them to have two cords of wood, it is not asking very much. So I would oppose the move to indefinitely postpone.

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

Mr. TROTZKY: Mr. President and Members of the Senate: This bill didn't come out of committee the way it came out of the House, with an amendment on it. It came out of committee authorizing the departments to allow contracted out woodcutting, and then the wood would be delivered to people in low income homes. What this amendment does is allow individuals to go into our parks, whether it is Sebago, Mt. Blue, anywhere, into the public lots and cut. And I don't see any way that this is going to save on fuel prices. I think those who are familiar with heating a home with wood, it means that you have to cut quite a few cords in order to get any economic benefit out of it.

So I would oppose this amendment, and I don't know if it is in order, Mr. President, but I would like to move the indefinite postponement of House Amendment "B".

The PRESIDENT: The Chair would

advise the Senator that there is a pending motion at the present time that would take priority. Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I don't intend to speak too long on this thing here because to me it is just a ridiculous bill, that's all, and particularly with the amendment the way it reads.

If this goes through, I am one of them that is going to go cut my two cords to feed my fireplace. It doesn't say, it just says firewood, and you can use firewood in the fireplace as well as you can anywhere.

Now, it is intended for low income. Can you imagine someone on low income that can get his oil tank filled for nothing, for him to go out and travel to a public lot and cut himself two cords of wood? This apparently is being sponsored by someone who doesn't know what it is to cut wood.

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

Mr. CONLEY: Mr. President, in reading the bill, it says that the Bureau of Public Lands shall annually designate areas in state owned forest and woodlands from which firewood may be taken. It does not give anyone the right to go into any public lot and just cut wood. It specifically spells out that the Commissioner or the Bureau of Public Lands shall annually designate. It seems to me that we are really making a mountain out of a molehill.

I recall earlier, perhaps a couple of weeks ago, we did have a question that was posed relative to this particular item, and at that time no one from the committee got up to respond to it. I stated then that there was an emergency preamble on the bill and someone should come up with some answers pretty soon. Perhaps this is the day of reckoning. But I would hope that the Senate would vote against the indefinite postponement of the bill, and if that does happen, then perhaps we can address ourselves to the House Amendment, as the good Senator from Penobscot, Senator Trotzky, has indicated.

The PRESIDENT: Is the Senate ready for the question? A division has been requested. Will all those Senators in favor of the motion by the Senator from Aroostook, Senator Cyr, that this bill and all its accompanying papers be indefinitely postponed rise in their places until counted.

A division was had. 14 having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

On motion by Mr. Trotzky of Penobscot, the Senate voted to Recede from its former action whereby Committee Amendment "A" was Adopted.

House Amendment "B" to Committee Amendment "A" was Read.

Mr. Trotzky of Penobscot then moved that House Amendment "B" to Committee Amendment "A" be Indefinitely Postponed.

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

Mr. MERRILL: Mr. President, I would again ask for a division on the motion and ask the Senate to vote against indefinite postponement of House Amendment "B". As I understand it, and I am not an expert on the life of this bill, but as I understand what happened, it is that there was originally a feeling on the part of Mr.

Barringer and others that the bill in its first posture, which was similar to the way it has been amended back to now, it would be difficult to administer. Subsequent to that, more study was done. The examples of Massachusetts and Connecticut were looked at and studied. Mr. Barringer decided that it wouldn't be a problem under the first posture that the bill took, and so the House Amendment was put on to put it back in that posture. So that what we are doing with this House Amendment is exactly what has been done in Massachusetts and Connecticut. We are really just saying that the people of Maine can burn in their stoves the wood that is just standing and going to no good use in these public lot areas.

The bill provides that the selection will be made by people who are wise in forestry so that valuable trees won't be taken. I think that there is good example and precedent for it, and I think that we ought to put ourselves in a position of concurrence and move this bill along.

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

Mr. CYR: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to ask one question, or maybe more than one, please. Now, who is going to pay for the chain saws for these people?

The second question I would like to ask is who is going to pay for the liability insurance. In case one of these workers get hurt, the fact that the State of Maine is charging them a minimum amount of money means that they are working for them. So there is going to be liability insurance involved in this. If somebody gets killed or somebody gets hurt, who is going to pay for it?

The SPEAKER: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that House Amendment "B" be indefinitely postponed.

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

A division was had, 14 having voted in the affirmative, and 13 having voted in the negative. House Amendment "B" to Committee Amendment "A" was Indefinitely Postponed.

Thereupon, Committee Amendment "A" was Adopted and the Senate voted to Adhere.

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

Bill, "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools." (S. P. 476) (L. D. 1609)

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

Pending — Motion by Senator Katz of Kennebec to Recede and Concur.

(In the Senate — Passed to be Engrossed as Amended by Senate Amendment "A" (S-252), in non-concurrence.)

(In the House — Bill Failed of Passage to be Engrossed.)

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

Mr. REEVES: Mr. President, I wish to speak against the motion of my friend and fellow Senator from Kennebec, Senator Katz. I know he has long had opposition to

this bill, but at the same time the Senate has voted twice in favor of this bill. I think the reason is because we all realize that in this unemployment crisis where at the same time there are many entry level jobs in the Maine Job Bank that it is possible to match high school students, high school dropouts, high school graduates, with entry level jobs. But they do need some help in being prepared on how to apply for jobs, how to apply for interviews, and the other kinds of training and how to locate these jobs.

I believe we have answered the main objections that the opposition has had to this bill by first tying in the Employment Service at their own suggestion, that they are willing to provide help to high schools to make this program work, and finally by making the program optional; that the schools that cannot afford to make this program start at this time, that they have the option of not putting the program in. But I think it is more than a gesture, even by making it optional. It shows that we are concerned about the fact that 60 percent of our high school graduates go on to work rather than on to college, and right now only the ones headed for college get this kind of counseling.

So I hope we can defeat this motion to recede and concur because I would like to offer a motion to insist and ask for a committee of conference. So I ask for a division.

The SPEAKER: A division has been requested.

The Chair recognizes the gentleman from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, the error in the journal today was a little confusing but, as I understand it, the program in its present posture is still mandatory, except there is a provision that in case of hardship a school unit may request to be excused from performance under it.

What this bill does is actually completely redirects counseling and guidance in the school systems towards job placement and follow-up. I think it is a pretty worthwhile motive, but it is an enormously ambitious program presented without advance preparation, which is going to cast a blanket over the state. And I think that if the proponents are really serious about our doing a good job, they would be willing to let the Committee on Education take the interim to study this bill, to bring in a sense of partnership all over the state, so that when the bill is enacted it will have a reasonable chance of success. I do not believe that it has that much chance of success now.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that the Senate recede and concur with the House.

A division has been requested. Will all those Senators in favor of the motion to recede and concur please rise in their places until counted.

A division was had, 12 having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

Thereupon, 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:

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

Tabled earlier in today's session by Mr. Conley of Cumberland.

Pending — Consideration.

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

Mr. SPEERS: Mr. President and Members of the Senate: This is a bill on which I sincerely hope the Senate overrides the veto of the Governor. This is a bill which I sponsored and which I was proud to sponsor because it is a bill really to correct an inequity which exists at the present time in our workmen's compensation law, and which is an inequity which is causing considerable hardship in very specific instances.

Very briefly, under the workmen's compensation law at the present time, an individual, who is injured on the job receives two-thirds of his weekly wage. There is, however, a limitation that is placed on the amount which that individual may receive each week. That limitation is computed yearly by the Department of Manpower Affairs and is the average weekly wage in the State of Maine. At the present time that maximum limitation is \$130 a week. So an individual who is making around \$200 a week and may be injured on the job would not be affected by this particular bill, because two-thirds of that would be right around \$130, and he would not be affected by the maximum. An individual who is making over the \$200 per week, however, would definitely be affected by this bill, because what this bill does is raise the maximum amount that he may receive under the workmen's compensation law, and it does it in one-third increments over a number of years until in the year 1981 the maximum is declared to be twice the average weekly wage in the State of Maine. That maximum would be, therefore, around \$260 a week. But the individual worker who is injured still receives just two-thirds his weekly wage. This bill does not change that fact.

I think we must go into the theory and philosophy of workmen's compensation. Workmen's compensation is not a welfare program. It is an insurance program. In fact, the whole theory and philosophy behind workmen's compensation is precisely the opposite from a welfare program. The whole idea behind this insurance program is to keep people off welfare. If an individual is injured on the job through no fault of his own, through no fault of the employer, but he just happens to be injured and is unable to work, the whole idea behind this insurance program is that he be entitled to benefits which would keep him off the welfare rolls, which would allow him to maintain his obligations which he has undertaken, whether they be weekly payments on an automobile or on furniture or whether they be monthly payments on a mortgage. But it is an insurance program to help him meet these obligations.

Now, an individual making \$200 a week obviously has certain obligations, and if he is injured on the job he would be cut back down to two-thirds his weekly wage, somewhere around \$130 a week, and that is not all that serious for that individual. However, an individual making around \$400 a week ordinarily, if he were to be treated as everyone else under this law, would be receiving two-thirds his weekly wage, except for the limitation which is now in the law of \$130 a week. Now, if an individual has been making \$400 a week and there are quite a few individuals who

are laborers who can make that amount of money — a number of them testified before the Committee on Labor in favor of this bill; bricklayers, construction workers, plumbers are some of the individuals who could well be making this amount of money — if they are injured on the job after making \$400 a week, and are cut back under the workmen's compensation law to \$130 a week, I think we can readily realize that this is a serious cutback in their standard of living, and not one that is just plain unfortunate; it is one that is extremely difficult for them, because someone making that amount of money undoubtedly has a considerable amount of mortgage payments to meet and a considerable amount of other payment that they must meet.

So under this insurance program, which is designed to help these individuals who are injured on the job and are unable to work, it really does not meet the purposes for which it was designed.

Now, I would like to address some of the comments that the Governor made in the veto message. One of the comments that he made was that this affects small businesses. Well, I would submit that that really is not going to be the case, because the workmen's compensation rates are based primarily upon two things: one is the payroll that is made to individuals, and most small businesses are not paying individuals anywhere near the \$200 a week salary, and under the \$200 a week salary it is not going to be affected because, as I have mentioned, the \$200 a week is about the cutting off point at the present time for the two-thirds or \$130 a week maximum.

The other consideration which is made for the rates is the risk factor, and if you happen to be an employer in a high risk industry; in other words, where your employees are likely to be injured on the job, then naturally the insurance rates are going to be higher. And that is the case regardless of this particular bill.

Another objection that the Governor has is that this would affect benefits to individuals of higher income levels without corresponding benefits to those employees at the lower levels. Well, it is true that this bill will affect incomes at the higher income levels, individuals at higher income levels. But it is not true that it will create a discrepancy between higher income levels and lower income levels. In fact, the whole purpose of the bill is to put the two in line with one another to address an inequity which now exists. That is that individuals at lower income levels are now paid two-thirds their weekly wage if they happen to be injured, but individuals at the higher income levels, say between \$200 and \$400 a week, are not paid the two-thirds weekly wage. So, in a very real sense, this bill is an attempt to help out the more middle income, middle to lower income, individuals from whom most legislation is taking money rather than helping them out.

Now, the other comment that his Excellency had was that he would hope that we could study this whole area of workmen's compensation. Well, Mr. President and Members of the Senate, this bill is the result of a very careful and highly qualified as to membership commission on workmen's compensation laws. There has been in existence a national commission on workmen's compensation, on which the Honorable Marion Martin has served with distinction from the State of Maine. One of the recommendations of that national

commission on workmen's compensation laws is precisely what this bill is here to do. And I might add that the bill, with the Amendment, follows precisely the recommendations not only as to the results but as to the time schedule involved. So that by enacting this bill we are completely, totally, precisely in line with the recommendations made by the national commission.

Now, I was asked who might be in opposition to this particular bill, and my comment to that would be those who would be concerned with an increase in the insurance rates. I have already indicated that the insurance rates are not going to be affected for most of the businesses, and particularly the small businesses, in the state, but even among those businesses which will be affected there really is not a great deal of opposition. The reason for that is that if the states do not undertake to address the problems of the workmen's compensation laws on their own, there is presently pending before the Congress of the United States a national workmen's compensation bill, which was introduced by Senator Javits. This bill, if enacted, will take out of the hands of the states the administration of workmen's compensation laws, which nobody wants to see, nobody, industry, labor, anyone involved with the administration of workmen's compensation laws, because it is simply going to mean a far more complicated and difficult administration, and yet it will indeed mean precisely what this bill hopes to accomplish.

So, Mr. President, in summary, I feel that the objections of the Governor, while well intended, I am sure are in error and that this bill is indeed a well worthwhile bill which will have a beneficial effect upon a great many citizens of the State of Maine.

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

Mr. O'LEARY: Mr. President and Members of the Senate: I have been a working man for the past thirty years or more, and according to the Maine Sunday Telegram, I am the only working man here, but I can assure you that the five days a week we spend here is harder than the work I put in at the Oxford Paper Company.

We hear considerable talk of concern for Maine's working men and women, and I want to commend the majority floor leader for his sponsorship of this bill. I only wish the Governor, who believes he is a man of humanitarian impulses — and I do not dispute this — could have been at the hearing on this bill where about 100 persons appeared, many of them with crippling injuries.

Under our workmen's compensation laws, a worker generally receives two-thirds of his or her average weekly wage while disabled. This presents a hardship, but at the same time I cannot say that a disabled worker should receive 100 percent of his or her weekly wage. After all, the workmen's compensation benefits are tax free, and this disabled worker is receiving full medical benefits and saving on some normal expenses, such as commuting.

But as the Governor's message points out, we are not talking about all Maine employees with this legislation. We are talking about those employees who earn \$5 or more an hour. Under current law, these workers are affected by another provision in our workmen's comp. statutes. This provision limits the amount of weekly

compensation to the average Maine wage, which is about \$131. For most Maine workers this limitation does not apply because two-thirds of their own average wage is less than \$131. On my own job I would be borderline. With overtime, I get paid an average of about \$200 per week. But there are a lot of men in my plant who get paid more than that because they deserve it. First class millwrights, for example, and papermakers who get about \$6 or more an hour. They get this money because they are skilled. Because they are skilled, they believe they have rights to certain aspirations: sending a kid to college, taking out a mortgage on a home — those are some of the things they are looking for. Under our current law, what we are doing is telling the skilled worker that he or she has to live off the same income as the average Maine worker if hurt.

I don't think this is the kind of philosophy which has made our country strong. I always believed that a man who worked hard and acquired good skills could aspire to a good income, an income of \$10,000 a year or over. But not if you get hurt, apparently. This bill does not discriminate against employees at lower income levels, as the Governor suggests. It removes in a gradual way a discriminatory provision against skilled workers which exists in our current law. I urge that we pass this in spite of his objections.

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

Mr. PRAY: Mr. President and Members of the Senate: As the Democratic Senator on the Labor Committee, I would like to extend my congratulations and commend the good Senator from Kennebec, Senator Speers, on the sponsorship of this distinctive piece of legislation; not distinctive because it has been vetoed but because it is a good bill.

Just to echo a few points that have already been made that I think are of importance and should be highlighted, first of all, there is the fact that this is in accordance with the recommendation by the national commission on the state workmen's compensation laws, where hearings were held throughout the country. As a matter of fact, Marion Martin of this state was on that study group and she also testified at the hearing.

I think we all understand and we all realize the points that have been brought up by the previous two speakers, and I think the concern is there. And I do believe that the Governor has erred in his veto, and I would hope that this body would go along with the previous two speakers and override the veto. Thank you.

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

Mr. KATZ: Mr. President, because I really and truly haven't made up my mind how I am going to vote on this, I would like to pose a couple of questions to the majority leader through the Chair. Workmen's compensation is non-contributory; it is paid for completely by the employer. As we get into these higher wage brackets, and we are talking 15 to 20 thousands dollars a year, as I heard from these debates, isn't there a responsibility on the part of the employee to supplement the coverage that is afforded under workmen's compensation through some kind of health and accident policy? Or if he works in a union situation, isn't the nature of this health and accident coverage a negotiable item of the

contract? If this is true, why should the entire burden be placed upon this one system which is uniquely paid for completely by the employer?

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

Mr. SPEERS: Mr. President, I thank the good Senator from Kennebec, Senator Katz, for posing the question, and I think it certainly is a legitimate question to be asked. Really, to answer that, I think one has to look at the intent and the philosophy of workmen's compensation. It is very basically insurance which is purchased by the employer. But the employee — and this is mandated under state law — the employee has also given up something regarding workmen's compensation, because the employee is not entitled to sue an employer for the injuries which he may have received on the job. So that if the employee goes to work in the morning and he is injured on the job, even though the employer may have neglected to have corrected some defect in the shop, the employee is unable to sue for the injuries which he has received. That is the trade-off that comes about through the institution of workmen's compensation laws, and under the last session of the legislature we made this mandatory for all employers, not just those who employ more than three people.

So the employee really had given up a considerable right which he otherwise would have under the law in return for the employer purchasing this insurance, which indeed is for the benefit of the employee as well. I hope that would answer the question of the good Senator from Kennebec.

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

Mr. KATZ: Let me pursue this just a little bit more. Actually workmen's compensation does not have anything to do with negligence. I would presume that if an employer were negligent that the employee up into the upper reaches of income without any commensurate responsibility on his part to secure additional coverage, if he chooses, for him and his family either through negotiating with his employer in collective bargaining or through buying a privately paid for health and accident policy to supplement what he already has under workmen's compensation? This is the thrust of the perplexity that I have.

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

Mr. SPEERS: Mr. President and Members of the Senate: I think the good Senator from Kennebec, Senator Katz, is getting into a question of the basic philosophy of workmen's compensation beyond really what this bill attempts to do. I think if we wanted to take a look at the overall workmen's compensation law and get into the whole question of whether we want a workmen's compensation act, and what kind of an act we do want, then that would be one thing. But really this bill is an attempt to equalize an inequity which exists at the present time, and that is that a worker who is making a lower income, the lower paid individuals, do in fact receive two-thirds of their weekly wage. An individual who works just as hard but who happens to be making a considerably better income — and I might say that by virtue of making a considerably better income he probably has even more obligations, more serious obligations, than

the individual who is making less of an income — the intent of this bill is to bring him under the same kind of insurance policy.

Now, the whole idea behind workmen's compensation is that the individuals who may be injured on the job and unable to work not be thrown into a situation very suddenly whereby they simply are unable to meet their obligations. That is the whole purpose of the bill, simply to equalize an inequitable situation at the present time.

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

Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I want to commend the majority floor leader for the time he has taken this afternoon to thoroughly explain the provisions of this bill. Primarily, as I see it, it is a piece of legislation that takes care of the working man of this state who has income capability, who has always worked, who has never been on welfare, who has always paid the biggest bulk of the taxes to help the programs that we continue to fund to keep on going. And I think this bill primarily equalizes an injustice currently on the statutes, and would urge the Senate to vote to override this veto.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor? A vote of "Yes" will be in favor of the bill; a vote of "No" will be in favor of sustaining the veto.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.F. Jr.; Cianchette, Clifford, Collins, Conley, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Huber, Jackson, Johnston, Katz, Marcotte, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas and Trotzky.

NAYS: Senators Berry, R.N.; Carbonneau and Hichens.

ABSENT: Senators Corson, McNally and Wyman.

A roll call was had. 26 Senators having voted in the affirmative, and three Senators having voted in the negative, with three Senators being absent, and 26 being more than two-thirds of the membership present, it was the vote of the Senate that the Bill become a law notwithstanding the objections of the Governor.

Sent down for concurrence.

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

Bill, "An Act Authorizing the Licensing of Indoor Tennis Clubs, Indoor Skating Clubs and Golf Course Clubs for the Sale of Alcoholic Beverages without Requiring the Sale of Food." (H. P. 1631) (L. D. 1906)

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

Pending — Passage to be Engrossed.

(In the House — Bill and Accompanying Papers Indefinitely Postponed.)

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

Mr. KATZ: Mr. President, I notice in our

Senate Amendment book Senate Amendment "A", under Filing S-306, which I do not believe has yet been offered, but it seeks to meet some of the objections that were so appalling to some of us earlier in the debate on this bill. I would urge that if this amendment is going to be offered, and if the proponents would like to take one small step forward toward winning over some additional support, that they might consider putting a trial date on this; for example, put in an effective date perhaps extending for two years, and then having the law subject to review at that time.

My concern is that we are plowing some very, very new ground, and before I turn the ballgame over completely to this new approach, I would like to have somebody have the responsibility to look at it. And if this is agreeable to the proponents, may I urge that they might consider tabling it until the next legislative day to consider that.

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

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

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

Bill, "An Act Extending Collective Bargaining Rights to University of Maine Employees." (S. P. 243) (L. D. 827)

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

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-288) Adopted.)

On motion by Mr. Curtis of Penobscot, retabled and Tomorrow assigned, pending Passage to be Engrossed.

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

Senate Reports — from the Committee on State Government — Resolution, Proposing an Amendment to the Constitution Relating to the Powers of the Governor and Providing for the Selection of the Members of the Executive Council. (S. P. 268) (L. D. 876) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass As Amended by Committee Amendment "A" (S-300).

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

Pending — Acceptance of Either Report.

(In the Senate — Majority Ought Not to Pass Report Accepted; subsequently, Reconsidered.)

On motion by Mr. Speers of Kennebec, tabled pending Acceptance of Either Report.

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

Bill, "An Act to Establish the Maine State Ferry Advisory Board." (H. P. 1308) (L. D. 1651)

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-659).)

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

On motion by Mr. Greeley of Waldo, the Senate voted to reconsider its former

action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-305, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Committee Amendment "A" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to Termination of Utility Service." (H. P. 1361) (L. D. 1663).

Tabled — Earlier in the day by Senator Berry of Androscoggin.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-650).)

(In the Senate — Committee Amendment "A" Adopted in concurrence; subsequently, Bill and Accompanying Papers Indefinitely Postponed, in non-concurrence; subsequently, Indefinite Postponement was Reconsidered.)

Mrs. Cummings of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-286, was Read and Adopted.

The PRESIDENT: Is it now the pleasure of the Senate that this bill as amended be passed to be engrossed. 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 on the passage of this bill to be engrossed 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 Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I request that the Senate grant permission for me to pair my vote with the Senator from Somerset, Senator Corson, who, if he were able to be present, would have voted against the bill and I would have voted for it.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now requests permission to pair his vote with the Senator from Somerset, Senator Corson, who, if he were here, would be voting against the bill, and the Senator from Penobscot, Senator Curtis, would be voting in favor of the bill. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I request permission to pair my vote with Senator Wyman, who, if he were here, would vote against passage of this bill, and I would like to go on record as being in favor of passage.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, requests permission to pair her vote with the Senator from Washington, Senator Wyman, who, if he were here, would be voting against the bill, and the Senator from Penobscot, Senator Cummings, would be voting for the bill. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: This bill was debated at length yesterday, and it strikes me as funny today that an amendment has been offered to this bill by the Chairman of the Public Utilities Committee. I support the amendment myself, but the question in my mind is whether or not those Senators who are absent would not perhaps change their minds and vote for this bill. As far as the pairing is concerned, it is perfectly all right with me, but I would ask the Senate, because of the fact that the good Senator from Penobscot, Senator Cummings, has presented an amendment which has been adopted apparently makes the bill more palatable to some of the opponents, I would hope they would vote for engrossment of the bill.

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

Mrs. CUMMINGS: Mr. President, all that this amendment did is that in the first paragraph the word "residential" was used before the word "consumer", and it was left out of the second paragraph, and this amendment puts it in so that it is in concurrence.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President and Members of the Senate: I wouldn't bother to prolong this debate, but I have a little card in my hand here that might interest some of you. It may not be worth a thousand words but it is significant, I think, and I quote from it: Dear so and so — I don't like to give the gentleman's name: "This is the Bangor Hydro Electric. We are giving you 24 hours to pay your payment or we turn off your lights." That is the sort of notice that this bill would try to eliminate, these without warning, drastic, discriminatory, unreasonable notices.

I have here a list of about seven other people who had similar experiences, and I have affidavits in my desk confirming their statements.

All we are asking for with this bill is a uniform code of procedure before people can be deprived of life's necessities, the public utilities. If you cannot pay your grocer's bill and he cuts off your credit, you can go to another grocer, but if your utilities are cut off, where can you go? You are without light, water, heat. Telephone service too is a vital necessity for some people, even a life or death matter, especially for the elderly, the sick and the isolated.

Under present conditions a utility accuses a customer of delinquency, decides on his guilt, and imposes the sentence; namely, termination of service. All we are asking is an orderly, standard form of procedure. As to the telephone company, surely if a deadbeat wants to run up a bill, he can do so under the present period of grace that they allow, sixty days. Furthermore, the phantom caller to Honolulu can always be sued and his deposit confiscated. Deposits of \$100 or \$200 are not unusual. And after all, how much of a tangible loss to the company is an \$80 call to Honolulu? The lines are there now, the operators are on duty. It is not like the loss to a store when an \$80 suit of clothes is not paid for.

So I salute the Committee on Public Utilities for voting 11 to 2 that this bill

should pass. Since then the bill has been watered down by amendment. Today with the public hard pressed by unemployment, and inflation, can't we protect them from arbitrary and unjust pressures by the public utilities? Let us not plant another tombstone in the graveyard of the people's hopes. Let us revive this bill and send it on its way, rejoicing that we can do something for the people.

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

Mr. ROBERTS: Mr. President, I would like to pose a question through the Chair, if the good Senator Graham cares to answer, if he can, and that is whether or not he knows whether this notice he just read to us was the first, second, third or fourth notice that this customer received.

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

The Chair recognizes that Senator.

Mr. GRAHAM: Mr. President, I am very happy to answer that question. The bill had not been paid for two weeks and it was left on the door of the person's house.

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

Mr. BERRY: Mr. President, if I may pose a question through the Chair, as I read the amendment, the only thing it actually does it puts in the word "residential", and it still leaves the 80 free days to that customer who wishes not to pay his bill. The thing that troubles me about this is the fact that with the figures we have seen on unpaid bills, we have to realize that these are going to revert back on regular paying customers. It concerns me greatly to see that someone can go to a utility company and run up a bill for 80 days free service and then say "try to collect".

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I wasn't going to speak on this bill, but my good friend, Senator Graham, over here said something about the grocery store, and that is something I know something about.

When I bought my father's store out 80 percent of our volume was credit and 20 percent was cash. When I sold the business it was 10 percent credit and 90 percent cash. He said something about people going to a grocery store and getting credit, and if the credit is cut off because the individual is either a deadbeat or can't pay, all he has to do is go to another store. It doesn't necessarily mean that he will get credit at the other store because there is not much of that stuff going on anymore. And I suggest that if he can't pay his bill and he has no money to buy food, that he goes to the welfare department. I further suggest that if that is the same case when it comes to public utilities, the same thing can happen there, and let the people at the welfare department be saddled with that person's needs, the electricity, the telephone, or what have you, and let them pay the bill. That is in the law. If it is a necessity of life, they have to provide it. That is the law of the land.

And I suggest that we stop making restrictions on business, public utilities or not. A deadbeat is a deadbeat, no matter how you slice it, and if he is going to try to give you the business here, he will do the

same thing elsewhere, no matter where he goes. Thank you.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I cannot feel any hostility toward my seatmate, the good Senator from Androscoggin, Senator Carbonneau, because I wouldn't be able to speak on this bill right now if it hadn't been for his kindness.

Let me say, first of all, that I am certainly not defending deadbeats. What this bill is trying to do is divide the sheep from the deadbeats, and I certainly feel that the deadbeats are a drag on our society. On the other hand, it is the people who have made an effort to pay their bills or who are unable to pay their bills on account of some catastrophe, some medical emergency, it is those people I am speaking for. I am merely hoping that we can establish a standard form which both the utility companies and the customers will understand and be able to abide by. As it is now, we have no standard form. Maine has no regulations on this subject. Therefore, I think it is of the utmost importance for the well being of many, many citizens who are suddenly cut off — and being cut off nowadays from power means no water, no lights, no heat, no cooking. It isn't like the grocery store where you can go to another grocery store and perhaps plead with them for credit. Here you are simply cut off.

So I favor an orderly standard form, and that is what this bill does. There has been practically no opposition from any of the utilities, with the exception of the telephone company, and I think we understand their objections. And really, since they allow sixty days grace in which any deadbeat can call to Honolulu or Timbuktu, why those twenty additional days are going to give so much opportunity for Dr. Venger to get his revenge on the telephone company I think is rather superfluous.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I rise to say that I favor the concept embodied in this bill, and that is to set out a standard notice procedure under which a public utility could be terminated, and I think that the arguments of the good Senator from Cumberland, Senator Graham, are very well taken.

The only thing that bothers me slightly about this bill is the amount of time which is involved, and that is 80 days. It seems to me that 80 days is a substantial period, and it seems to me that people on both sides of this bill, if the time was somewhat narrowed, would be a lot more comfortable with the bill, which would accomplish the setting out of the standards for the notice, to give people the notice that their service is going to be terminated, to give them their rights which they have under the law that they may have a hearing. On the other hand, it seems to me that if we would talk about a time period which would be a little more reasonable, I think a lot of us would feel a little more comfortable with the bill, and I think the objections or the doubts that some of us have concerning the 80-day period, which would appear to be a fairly substantial period of time which we have here before the service can be cut.

When we think of the fact that the other taxpayers are going to be the ones to pick

up the excess cost which may result from this, perhaps if we could narrow the time down with an amendment it would accomplish both purposes.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I would like to suggest that right now we have sort of a contract. We know that that electric bill, telephone bill, or gas bill has to be paid in 30 days. You have a grace period of 30 days more, and that is 60 days. Where can you get credit for free for 60 days? I ask that question. It seems to me that is notice enough right there. We know we have to pay it.

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

Mr. BERRY: Mr. President, I think perhaps we have overlooked one situation, and that is the fact that a good percentage of utilities classify their customers in four different classes; they run 1 through 4. We are talking primarily with classes 3 and 4. In class 4 service, and using Mother Bell, the Telephone Company, as an example, if I may, the customer receives 30 days service in arrears. 23 days after that they receive a billing, and then they seven days later receive a termination. Now, they have received 60 days of free service. On a class 3 customer it is slightly different, and they receive 65 days of free service before termination.

I think we have to keep in mind that this is a policy, and there is a lot of difference between policy and mandated law. The telephone company, like any other company, or electrical company, has a tendency over a period of time to become acquainted with their customers, and they have a chance to tell which customers they have to keep the billings going out to, because there is a certain segment of our society which is reluctant to pay their bills. And I think that if we leave it a policy, that the utility companies are reasonable people, and if you get into problems, you only have to go in and talk with them and they will give you the opportunity to catch up on small installments, rather than mandating this type of legislation upon them.

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

Mr. CONLEY: Mr. President and Members of the Senate: This bill failed yesterday by one vote from being adopted, and it seems terrible, as far as I am concerned, to see this type of legislation be lost because of the fact that a working of the minds could not come out with a good compromise. It is obvious to me today during the debate that has been made here that some people have changed their minds toward voting for this bill again. So in the spirit of harmony and compromise, I wonder if someone might table this bill until tomorrow to see if something workable could not be worked out.

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

Mr. Clifford of Androscoggin moved that the Bill be tabled and Tomorrow Assigned, pending Passage to be Engrossed.

On motion by Mr. Roberts of York, a division was had. 13 having voted in the affirmative, and 11 having voted in the negative, the motion prevailed.

The following Bill was held earlier in today's session at the request of Mr. Huber

of Cumberland, pending Consideration:

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

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

On motion by that same Senator, the Senate voted to reconsider its former action whereby the Bill was Passed to be Enacted.

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

On motion by Mr. Danton of York,
Recessed until the sound of the bell.

After Recess

Called to order by the President.

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

In the House June 10, 1975, Passed to be Enacted.

In the Senate June 11, 1975, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

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

On motion by Mr. Danton of York, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act to Clarify the Laws Relating to Municipalities." (S. P. 236) (L. D. 815)

In the Senate June 2, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (S-231).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "C" (H-718), in non-concurrence.

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

Non-concurrent Matter

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

In the Senate June 5, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (S-259).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-739), in non-concurrence.

On motion by Mr. Curtis of Penobscot, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Amend the Maine Housing Authorities Act by Creating a Loans-to-Lenders Program and Making Changes to Improve the Efficiency of Using Federal Housing Funds." (S. P. 286) (L. D. 1002)

In the Senate June 3, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (S-235) as Amended by Senate Amendments "A" (S-254) and "B" (S-258) Thereto.

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

Amendment "A" (H-734) Thereto, in non-concurrence.

On motion by Mr. Curtis of Penobscot, the Senate voted to Recede and Concur.

House Paper

Bill, "An Act to Authorize the Board of Environmental Protection to Regulate the Anchorage of Tankers in Casco Bay." (H. P. 1700)

Comes from the House referred to the Committee on Marine Resources and Ordered Printed.

On motion by Mr. Cianchette of Somerset, tabled and Tomorrow Assigned, pending Reference.

Joint Order

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 7-E to read as follows:

7-E. Claims against the State. No claim against the State of an amount greater than \$2,000 shall be in order for introduction unless in the form of a bill or resolve authorizing a suit against the State. Claims against the State of an amount of \$2,000 or less shall be submitted to the Executive Council for its consideration under the provisions of Title 5, section 1510. (H. P. 1694)

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 John P. ("Paddy") Davan of Westbrook upon his Retirement from Westbrook High School after 41 Years of Dedicated Service as a Teacher, Coach and Athletic Director.

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. 1699)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Resolution
State of Maine**

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

Joint Resolution Commemorating The Bicentennial of The First Naval Battle of The American Revolution

WHEREAS, the State of Maine is richly endowed with the proud history and heritage of the American Revolutionary Period; and

WHEREAS, the State of Maine offers many opportunities for the appropriate commemoration and celebration of both historic and present day accomplishments; and

WHEREAS, the People of Maine, in communities throughout the State, now stand ready to honor that history and

heritage, to celebrate those accomplishments and to inaugurate that future; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature, in regular session assembled, on behalf of the People of Maine, recognize and commemorate the 12th of June, 1975, as the 200th anniversary of the first naval battle of the American Revolution, during which men of the Machias area laid plans which culminated in the capture of the British armed schooner, the Margaretta; and be it further

RESOLVED: That suitable copies of this resolution be prepared and transmitted forthwith by the Secretary of State to the East Machias Historical Society, the Machiasport Historical Society, the Washington County Bicentennial Commission, the Hannah Weston Chapter of the Daughters of the American Revolution, the Town of Machias and the National and State Bicentennial Commissions. (H. P. 1196)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Communications
State of Maine**

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

June 12, 1975

The Honorable Harry N. Starbranch
Secretary of the Senate
Maine State Senate
State House
Augusta, Maine 04330

Dear Mr. Secretary:

House Paper 1426, L. D. 1695 having been returned by the Governor together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Fifty-nine voted in favor and seventy-eight against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports
House**

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Relating to Public Compensation to the Victims of Crime." (H. P. 1279) (L. D. 1672)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on, Bill, "An Act to Repeal Obsolete Statutes Concerning Certain Crimes." (H. P. 546) (L. D. 674)

Reports that the same Ought to Pass. Comes from the House, the Bill Passed; to be Engrossed.

Which report was Read and Accepted in

concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Judiciary on, RESOLVE, Authorizing Genevieve St. Amand nd Romeo St. Amand or their Legal Representative to Bring a Civil Action Against the State of Maine. (H. P. 582) (L. D. 721)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-713).

The Committee on Judiciary on, Bill, "An Act Relating to Recovery and Appropriation of Penalties Recovered for Burning of Debris." (H. P. 420) (L. D. 506)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-714).

The Committee on Performance Audit on, Bill, "An Act to Establish an Alternative Method of Support Enforcement." (H. P. 1468) (L. D. 1793)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-701)

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

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

Ought to Pass in New Draft

The Committee on Transportation on, Bill, "An Act to Authorize Bond Issue in Amount of \$10,900,000 for the Highway and Bridge Improvement Program." (H. P. 744) (L. D. 916)

Reports that the same Ought to Pass in New Draft under New Title: "An Act to Authorize Bond Issue in the Amount of \$13,600,000 for the Highway and Bridge Improvement Program" (H. P. 1684) (L. D. 1929)

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

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

Divided Report

Nine members of the Committee on Business Legislation on, Bill, "An Act Establishing Educational Requirements for Licensing of Real Estate Brokers." (H. P. 627) (L. D. 778)

Report in Report "A" that the same Ought to Pass in New Draft under Same Title (H. P. 1677) (L. D. 1924).

Signed:
Senator:

JOHNSTON of Aroostook
Representatives:
CLARK of Freeport
BOUDREAU of Portland
BOWIE of Gardiner
DeVANE of Ellsworth
BYERS of Newcastle
TIERNEY of Durham
RIDEOUT of Mapleton

(Senator Thomas of Kennebec abstained)

Three members of the same Committee on the same subject matter report in Report "B" that the same Ought to Pass in New Draft under Same Title (H. P. 1678) (L. D. 1925).

Signed:

Representatives:

HIGGINS of Scarborough
PEAKES of Dexter
PIERCE of Waterville

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

Signed:

Senator:

REEVES of Kennebec

Comes from the House, Report "A" Read and Accepted and the Bill in New Draft (H. P. 1677) (L. D. 1924) Passed to be Engrossed as Amended by House Amendments "A" (H-727) and "B" (H-735).

Which reports were Read.

On motion by Mr. Johnston of Aroostook, Report "A" was Accepted in concurrence and the Bill in New Draft Read Once. House Amendments "A" and "B" were Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Define the Responsibilities of the Bureau of Labor and the Public Employees Labor Relations Board." (H. P. 1371) (L. D. 1780)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-700).

Signed:

Senators:

ROBERTS of York
McNALLY of Hancock
PRAY of Penobscot

Representatives:

SPROWL of Hope
TARR of Bridgton
TEAGUE of Fairfield
MARTIN of St. Agatha
FLANAGAN of Portland
SNOW of Falmouth
CHONKO of Topsham
TIERNEY of Durham

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

Signed:

Representative:

LAFFIN of Westbrook

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Provide for the Maintenance of Neglected Dams and Existing Water Levels in Lakes Impounded by Dams." (H. P. 1459) (L. D. 1797)

Reports that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot
CYR of Aroostook
GREELEY of Waldo

Representatives:

BERRY of Buxton
LEONARD of Woolwich
GRAY of Rockland
NADEAU of Sanford

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-699).

Signed:

Representatives:

TARR of Bridgton
LITTLEFIELD of Hermon
SAUNDERS of Bethel
SPENCER of Standish
LUNT of Presque Isle
KELLEHER of Bangor

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-699).

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

Sent down for concurrence.

(See action later in today's session.)

Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act to Temporarily Suspend the Lobster and Crab Fishing Moratorium." (H. P. 1141) (L. D. 1237)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-661).

Signed:

Senators:

CUMMINGS of Penobscot
REEVES of Kennebec

Representatives:

JENSEN of Portland
GREENLAW of Stonington
JACKSON of Yarmouth
POST of Owl's Head
CURTIS of Rockland

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as Amended by Committee Amendment "B" (H-662).

Signed:

Senator:

BERRY of Cumberland

Representatives:

CONNERS of Franklin
BLODGETT of Waldoboro
WEBBER of Belfast
MACKEL of Wells
MILLS of Eastport

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "B". (H-662).

Which reports were Read.

On motion by Mr. Berry of Cumberland, the Minority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "B" was Read and Adopted in concurrence.

Mr. Berry of Cumberland then moved; that the rules be suspended and the Bill be given its Second Reading at this time.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY: Mr. President, so that no one will think I am trying to pull a fast one here, the difference between the first report and the second report is merely the emergency feature on the amendment. The two bill reports are identical, except that the report accepted by the Senate provides for the suspension of the moratorium upon the signing of the bill by the Governor. If we had accepted Amendment "A" the moratorium would have been suspended, let's say, about the 1st of October, which is well beyond the real lobster season, and the bill would have no effect.

I now move the rules be suspended and the bill be given its second reading at this time.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that under suspension of the rules this bill be given its second reading at this time. Is there objection?

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

Reconsidered Matter

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby the Majority Ought Not to Pass Report of the Committee was Accepted on the following matter:

Bill, "An Act to Provide for the Maintenance of Neglected Dams and Existing Water Levels in Lakes Impounded by Dams." (H. P. 1459) (L. D. 1797)

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President, I would pose a question through the Chair as to the effect of this particular bill and why it was given the report that it was given.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair regarding this legislative document to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, the reason that I voted for this bill not to pass is that there is one section of it that does away completely with the inspector of jobs, which there is at the moment. This bill does away with that particular office. It is not a lucrative job; in fact, it is held at the moment by a Mr. Robbins, and he gets \$5 every time he is requested to inspect a dam. He has to make this inspection upon the written request or petition of 19 or more people who are affected by the existence of that dam. If he should find that this dam is in danger of going out, and the resulting flood would endanger either those beneath or would do material damage to those who are on the shores of the lake that is created by this dam, then he has the authority to force the owner of this dam to repair it. If this particular section of the present law is erased, this bill does not put anything in its stead and does not say that there is any way that an owner can be forced to repair his dam.

The current dams at the moment are all between 70 and 80 and 90 years old, and more and more this office is being called upon to make inspections. As you can imagine, with the payment of \$5, it has not been a very sought after job. In fact, when I first got interested in the whole dam problem we didn't even know who the inspector was, but we found out who he was and he remembered that he had been asked once 20 years ago to inspect a dam. It is now becoming an active position and one that I do not think should be erased from the books, which is what this bill would do.

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

Mr. CYR: Mr. President and Members of the Senate: In all deference to our good Chairman, I think she was talking about another dam bill. However, if I can stabilize the situation here, I would like to explain my reason for signing the Ought Not to Pass Report on this bill.

First of all, we have to back up a little bit to the special session. Actually, we should back up to the regular session of '73 when

we had a bill in regards to dams, neglected dams. Actually, as the result of that report, they found something like about 1100 dams in the State of Maine, but only about 440 were to come in under the bill that was presented to us.

Now, the bill that was presented to us in the special session called, first of all, for a \$75,000 appropriation. Also, it called for, after appropriate advertising in the newspapers, dams that would not find an ownership would revert back to the State of Maine. So you can imagine what the cost would be to the State of Maine if 440 or 1100 of these dams would revert back to the State of Maine.

So what we did in 1973, first of all, in case of an emergency, if a dam, for instance, posed a problem of safety and it might endanger life and property downstream, we put that under the sponsorship or under the jurisdiction of the Civil Defense. So today a dam in that category would come under the jurisdiction of the Civil Defense.

Also, we provided for the State of Maine to advertise for dams that had no known owners, and within a certain period of time if the owners didn't come forward, that title of that dam would revert back to the State of Maine, but with the provision that the State of Maine took no responsibility. But the only reason we did it that way was to have the State of Maine sell to a lake association or sell to an individual, or a town, a municipality, that particular dam and provide a clear title of the ownership of that dam. So it didn't have the financial responsibility.

Now, this brought us down to two bills providing for dams in this session. One was to be under the sponsorship of Civil Defense, and that bill came out Ought Not to Pass. This one came out with a divided report. However, I would like to explain what this would do. First of all, the first part of this bill, the legislative findings, actually this would deprive the owners of that dam, or the owners of the littoral rights, it would deprive them of their property without due process. It would, in essence, be confiscation without due process and no compensation. There is no compensation provided in this.

Now, in regards to littoral rights, if you go back to the old mill act, it says that the owners of the shores of that lake own up to the mean level at low water, at natural low water. Now, where a lake, for instance, has been dammed, in most cases the littoral rights or the flowage rights were either purchased by the owner of that dam so that he could flood that land or else it was given by the state or some other body. Now, in this case here you would be depriving the owner of those rights without compensation. But I think the real danger in this — I don't know whether I shouldn't table this, because I am talking to an empty chamber, and I am just wondering how many will know exactly what are the features in this, and I think it is very important because, if we pass this, next session you can rest assured that you are going to have a rash of bills to provide for the repairs, for the state to repair a lot of these dams, and I will tell you why.

On Page 4, for instance, they have a provision for abandonment of dams. Now, the owner of any dam subject to an order pursuant to section so and so, the commission shall after notice and hearing authorize such abandonment if it determines that — this is in case you want to abandon a dam, this is the procedure that you would have to follow:

First, you would have to prove that such

dam no longer has any beneficial economic use for the owner. Well, if you have an abandoned dam, it is very easy to show that there is no more beneficial economic use.

Second, the costs of maintenance of said dam are unreasonable. You have to prove that such costs are going to be unreasonable, which is very easy because if you don't need the dam any more and you have to put costs on it, you can very easily prove that it is unreasonable.

Third, the owner is unable to otherwise dispose of said dam in a manner that will insure continuing compliance with any order issued, and so forth.

In other words, if you want to abandon a dam and get authorization from the commission — now the commission is the Soil and Water Commission in the Department of Agriculture — so if you want to abandon a dam, you have to follow this procedure. You also have to try to find a buyer. Now, who is going to buy an abandoned dam or a decrepit dam? After you have gone through all of these procedures and you haven't been able to find an owner, but you have been able to show that it won't be beneficial economically to you, or that it is going to be unreasonable for the maintenance of that dam, then what happens is that it becomes the property of the Soil and Water Commission, which is an agency of the State of Maine. So once this is done, it becomes the property of the State of Maine through the Soil and Water Commission.

The next step is going to be in the following legislature. This year they say there is not going to be any cost to this. But next year in the next session of the legislature, as I said before, you are going to have a rash of dams that are going to be the property of the State of Maine, and they are going to be asking you for an appropriation to repair and rebuild.

So, Mr. President, I move the indefinite postponement of this bill and its accompanying papers.

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

Mr. SPEERS: Mr. President and Members of the Senate: I am not sure I am happy about asking for an explanation regarding this particular matter. I do thank the good Senator, however, for giving that explanation. I really didn't know that the good Senator from Aroostook, Senator Cyr, was more or less lying in wait regarding this matter.

The thing that caught my eye as to this particular bill is that I think one of the real problems that exists in the state right at the moment is this continuing question of neglected dams. And the problem that arises is precisely that which the good Senator from Aroostook, Senator Cyr, mentioned; that being where the owners of the dams do not want the dam, and they do not have the money in order to repair it and they simply abandon it. This leaves a lot of lakes and a lot of property owners around the lake, etc., in a very precarious position. I don't know whether the solution is for the state to bite the bullet and take over, or provide some kind of a situation where the state eventually will be forced to take these dams, whether that is a solution at the present time or not. I appreciate the concern of the Committee on Public Utilities regarding that question, but I would hope that perhaps someone would table this for this evening so that it could be looked at and discussed.

The PRESIDENT: The Chair recognizes.

the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I don't want to disagree with our good majority floor leader, but I think we have got a subject here we sure as the deuce can take care of right tonight.

The only mistake that was made was the original passage of the legislation that this thing purports to change, and I think quite frankly, and she would agree, that one of the only reasons it passed was because it was a bill put in by the lovely assistant majority floor leader and many of us had greater respect for her than we did for the legislation she sponsored. I think this is a very, very good example of something, a problem that the State of Maine has lived with for years and years and years, and we cannot find a solution to it. The legislature of the State of Maine isn't that omniscient.

I 100 percent back up the comments of Senator Cyr, and I would just say to Senator Speers that we have got a monkey on our back now and tabling this thing one day isn't going to do one bit of good to it. I would certainly hope we wouldn't table it and that we would go back to our former action which merits indefinite postponement.

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

Thereupon, on motion by Mr. Trotzky of Penobscot, tabled and Tomorrow Assigned, pending the motion by Mr. Cyr of Aroostook that the Bill and accompanying papers be Indefinitely Postponed.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Revise the Laws Relating to Financial Institutions." (H. P. 831) (L. D. 1134)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-706).

Signed:

Senators:

THOMAS of Kennebec
REEVES of Kennebec

Representatives:

CLARK of Freeport
BOUDREAU of Portland
TIERNEY of Durham
BOWIE of Gardiner
HIGGINS of Scarborough
PEAKES of Dexter

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as Amended by Committee Amendment "B" (H-707).

Signed:

Senator:

JOHNSTON of Aroostook

Representatives:

DeVANE of Ellsworth
PIERCE of Waterville
BYERS of Newcastle
RIDEOUT of Mapleton

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-706).

Which reports were Read.

Mr. Thomas of Kennebec moved that the Senate Accept the Majority Ought to Pass as Amended by Committee Amendment "A" Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. THOMAS: Mr. President and Members of the Senate: We have before the Senate today what I consider the most important bill that was heard this year by

the Business Legislation Committee. L. D. 1134, An Act to Revise The Laws Relating to Financial Institutions. What we do here in this Senate Chamber is going to affect every commercial bank, savings bank, savings and loan association, credit union, industrial bank and holding company in the State of Maine. It will also affect every single resident of this great state — and by that I am referring to the general public, the consumer.

Over two years ago, Governor Curtis on December 1, 1972, appointed a committee of 26 people to study financial institutions of this state. An out-of-state financial consulting firm was hired and their report was submitted in November 1973. The Maine Governor's Banking Study Advisory Committee in turn submitted its report in August 1974. This committee was unique among all the state committees to study financial structure reform, because half of its members were public members and half its members were from the banking industry. In fact, four of the members were from the legislature: two from the Senate, of whom one is still in this chamber, Senator Richard Berry of Cumberland; and two from the House, one of whom is still serving in that branch and is the sponsor of this legislation. Everyone concerned with the report is to be congratulated for the time, effort and what I consider, as does the Business Legislation Committee, an excellent report. You have before you, in essence, really a unanimous report. There are only two major differences between Committee Report "A" and Committee Report "B". I will discuss these differences a little later.

During our hearings — and we had three public hearings — actually four, for our first working session, which was open, in reality turned out to be another public hearing. We were so popular with the bankers and their lobbyists that they attended our first working session en masse. And let me hasten to assure you, the committee was not feazed by these financial gentlemen; we were our own men and women, and as Chairman of the Committee, I am proud of every single member who served and so faithfully attended the hearings and the working sessions, sometimes late into the night.

It soon became apparent that there were five areas of possible disagreement:

1. Personal checking accounts for thrift institutions. The present law only allows commercial banks to offer checking accounts. Under the proposed law, savings banks and savings and loan associations would be allowed to offer personal checking accounts. When I first read L. D. 1134, I objected to the definition of "personal demand deposit" for the thrift institutions, for the bill read, "Personal demand deposit means a deposit in a financial institution made by individuals for non-business purposes, or by a non-profit organization operated primarily for religious, philanthropic, charitable, fraternal, or other similar purposes, which is payable on demand, etc. These words to me were more that a personal demand deposit. So any reference to the non-profit organization, religious, philanthropic, charitable, fraternal or other similar purposes, was deleted.

2. Statewide Branching. Under present law, branching is allowed only in home county or adjoining counties, or in any municipality where no bank is operating or where a unit bank or branch of a bank is taken over. Bank holding companies are permitted in statewide operations and it was through the device of the bank holding

companies that we have companies operating all over the state not subject to the Commissioner of Banks of the State of Maine. There are six bank holding companies in Maine. The proposed law would allow statewide branching.

3. Holding Company Regulations. As I just stated, under present law there are none. Under the new law, the Banking Superintendent would have regulatory surveillance over activities of financial institution holding companies in Maine.

4. Hearings on petition of 25 persons. Under the present law, none. Under the proposed law, it would be possible. The committee held long discussions on this particular section No. 255 of the bill. We rewrote the entire section and it is at the top of page 6 of Committee Amendment "A", also in Committee Amendment "B". The committee did not feel that the power of petition would be abused, because the Public Utilities have such a law and it only takes 10 people to petition. Only once in five years has such a petition been made to the PUC.

5. Interstate Banking. Currently none are allowed. Under the proposed law, it would be allowed. Our reasoning is as follows: the relatively small size of Maine's banking organizations tends to limit capital availability in the state, particularly to larger business concerns. Permitting the state's largest banks to merge with each other is not a feasible alternative. This law would permit a holding company located in another state to establish or acquire a bank in Maine provided that Maine bank holding companies are afforded reciprocal acquisition privileges in that state. All would be subject to the approval of the Banking Superintendent. Also, the Majority of directors in the Maine bank would have to be Maine residents. The committee added the following amendment to this provision: "This subsection shall not become effective until January 1, 1978."

These, therefore, are the areas of possible disagreement, and I have attempted to outline to you how the committee treated them.

I have not mentioned other new features of this bill, but I would like to call your attention to two. "Now" accounts. At the present time they are not allowed by federal law, but in the not too distant future the feds are going to allow these types of accounts. They are being tried right now in two states. The other is known as "EFTS" — The Electronic Fund Transfer System. This is a computer payment system for transferring funds from one party to another. Because of EFTS, it is very important that we pass this legislation this session, for on October 3rd, the Social Security Administration and other government agencies will allow people who are on Social Security in New England to have the option of receiving their check in the mail or, by using EFTS, having the money sent directly to a bank. Also, in many states where EFTS is now in force, supermarkets have a terminal connected to the bank and people can conduct their banking business from a supermarket, or any other store that is so equipped. We are definitely entering a new age in banking and Maine must keep pace. While we were working on this bill a court decision came down in a state having EFTS, which stated that an EFTS terminal was a branch bank.

We now come to the two areas of disagreement in the committee reports. As I stated before there are only two. The

first, Committee Report "B" eliminates under section 242 — deceptive advertising section B, which reads as follows: "If an entity has already issued or published such an advertisement, the superintendent may order the entity to take such affirmative corrective action as he deems necessary and appropriate under the circumstances for the purpose of informing and protecting the public and other interested parties." Report "A" retains this section. I remind you that we are talking about consumer legislation, and the elimination of this section under Committee Report "B" does not help the consumer. We are talking about deceptive advertising.

And now for the moment of truth — the major difference is that Committee Report "B" on page 10 states that if a thrift institution accepts personal demand deposits that it can pay only the same interest that commercial savings accounts can, as allowed by federal regulations.

This would mean that savings banks and other thrift institutions would lose their one-quarter percent interest differential. They would have to drop interest paid to the other Maine savings accounts holders to five percent, and the people of Maine would lose over \$4,000,000 annually in interest. This is what the big fight is all about — \$2.50 on a \$1,000 deposit annually, if thrift institutions are allowed to have personal family checking accounts.

If you look at the banking situation in the State of Maine right now, thrift institutions, which place 70 percent of their money in the home mortgage market, are nowhere near on a par with the commercial institutions, and contrary to what you may have been hearing in the lobbies of the State House this week, they will still not be equal; a little closer perhaps, but still a long way to go before achieving equality.

I would like to point out that we also increased the cash reserves of a savings bank if it has a checking account. This section was added. The superintendent, in establishing minimum cash reserves under said section, shall establish the percentage at the same level for all financial institutions, subject to the provisions of parts 5, 6 and 7. 5 is savings banks, 6 is trust companies, and 7 is savings and loan associations.

Mr. President and Members of the Senate, this is an important bill, an extremely important bill. I move the acceptance of the Majority Ought to Pass Report, as Amended by Committee Amendment "A", and I request a roll call. Thank you very much.

THE PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I certainly got a quick course in banking the last few days from the banking institute back home, and from all the comments and discussions that I have heard around the chambers and the corridors, I think this is boiling down to city banks versus country banks.

I wish to endorse every comment that was made by the good Senator from Kennebec, Senator Thomas. In fact, what was reported to me from all of these bankers is that they are perfectly happy with the new code, with the exception of the checking account in the savings and the differential of one-quarter percent on the interest rate.

I would like to quote from a letter which I received from Aroostook County. It says, Committee Report "B" more equitably

allows for the expanded powers of thrift institutions in offering checking accounts, credit cards, consumer and commercial loans, statewide branching, "and so forth" — they are all in favor of that — "by providing that those financial institutions, savings or commercial, which offer checking accounts will all be allowed to pay their depositors the same maximum rate of interest on their regular savings deposits." They have no objections if they are all on the same basis. If the offer of a checking account is on the same competitive level as the commercial banks, they are happy over it. In fact, they claim that this reduction by bringing the savings to the same rate as the commercial would only help to defray the expenses of providing this new service that they are being asked to offer in the checking field.

I would like to proceed and show you from this letter what this would do to my county and what this would do to a country bank. And this is what we are talking about, country banks versus city banks, or big savings accounts versus the small commercial banks. The six commercial banks of Aroostook County hold over 200 million dollars in deposits. Now, they estimate that if this report, Report "A", was to go through, it would put them at a disadvantage, and they estimate that they would lose between the savings and the commercial banks. Your savings banks are involved mostly in mortgages, home mortgages or building mortgages, while your commercial banks, particularly your small commercial banks in the small towns, they deal mostly with inventory loans, short-term loans, crop loans — in my county particularly — farm equipment loans, or working capital loans for small businesses. Now, if they were to lose this 10 to 15 percent of their deposits, they would have to institute some form of loan restraint program in order to maintain a proper loan to deposit ratio as recommended by the various supervisory agencies. In other words, banks cannot lend what they haven't got. If they lose 10 to 15 percent of their deposits, they have to restrain or cut back their loans by 10 to 15 percent. It is that simple. And it is for those reasons that they believe we should defeat Report "A" and adopt Report "B".

They are not in opposition to the code and all of the features that were described to you by the good Senator from Kennebec, Senator Thomas. They believe that those are good, they are good changes, however, you are putting the small commercial banks at a disadvantage by allowing the savings bank to have a checking account and to have a quarter percent interest differential between the commercial bank. It is that simple. For that reason, I shall oppose Report "A". And if that is defeated, I will present Report "B".

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

Mr. MERRILL: Mr. President and Members of the Senate: I don't know if any minds are ever made up in a debate on an issue that has been lobbied as heavily as this one. Probably not. I would like to make one thing clear at the beginning of what will be very brief remarks.

My political career has not been helped or hurt by any bankers. I commented earlier to the minority leader of my party that if I had wanted to spend this much time with bankers I would have become a Republican.

But this is an important bill, it is

important to everybody in the state, and I think that when the Senate votes on it that it ought to be as serious and as deliberate as the committee that spent two years looking at this problem was, and as the majority of the members of the Business Legislation Committee were when they spent the long hours they spent on this. I think there are really three places we can focus our attention in considering what we should do about this bill, and I think in every one of those areas we have to conclude that Report "A" is the best and really the only way for this Senate to go.

First of all, we can focus on the banks, the banks themselves, and ask what brings the most equity. At a risk of oversimplifying this situation, I really see the situation as this: there are two businesses and they both do the same thing — let's say they are both ice cream businesses — one business locates in the center of town and pays a lot of taxes and has to charge more for its product; the other business decides, well, I will go to a less attractive spot so that I can sell my product cheaper. It goes to a less attractive spot, and then later on somebody says, well, it is unfair for you to sell your product at a cheaper price; we want you to sell it at the same price. I suppose that could seem like equity, if you didn't look at the total situation.

The savings and loans institutions, the thrift institutions in this state, are the business that is in the bad location, if I can follow the analogy through. They are the ones that can't have business and corporate checking accounts now or under this report. They are the ones that can't have trust powers now or under this report. They are the ones that don't have very extensive commercial loan powers now or under this report. To suggest that to have equal rates of interest on the accounts, on the savings accounts, would bring equity, with these other inequities, I think is sophistry at its best. Equity demands if one party is going to be disadvantaged the way the savings banks are disadvantaged in the competitive situation now, that they have something to offer that the other side doesn't. So, I think equity demands that we accept Report "A", equity in regard to the banks.

The second people we should be concerned with are the depositors, the depositors that decide and have decided to make their deposits in savings banks. You know, sometimes as we follow these bills through and as our reasoning gets further and further from our initial impressions, we start to do things that we had never conceived of doing before, and I think that has happened here. I mean, step back from this problem for a minute and think about it. What we are being asked for in Report "B" is to tell banks that they can't give the interest rate that they are presently giving, they can't give the interest rate that they want to give and they are giving now. We are going to legislate that they have to give less interest. I hope if we so legislate that letters will go out explaining to all the depositors exactly why it has happened and exactly who is responsible. I think that if we take into consideration the depositors in savings institutions we will accept Report "A".

Finally, there are the borrowers, and I suppose, being a Democrat, I am most concerned about them. The thrift institutions or savings institutions are the primary source of monies that go into

mortgage loans. There are very few people in this state, certainly very few people who support me, who could afford to buy a house with cash. They depend on the ability for a mortgage loan. 70 percent of the monies that savings and loan institutions have on deposit goes for that purpose. When we risk our thrift institutions, we risk doing permanent and serious damage to the hopes of those people who want to borrow money to buy a house and to the businesses of those people who depend on constructing homes for their livelihood. So I think when we look at the situation of the borrower we see the importance of Report "A" as doing what we can to assure that these thrift institutions continue.

This isn't, in the final analysis, a banking bill. It certainly isn't a bill that puts rural against city. As a matter of fact, in the mostly rural county of Aroostook there is only one savings bank, so there is very little threat. This really is a bill that puts the best interests of the people of this state who depend on a healthy banking community and upon healthy thrift institutions against the interests of those people who have decided to break the compact that was arrived at after two years and see if they can't sweeten the pot a little bit more. I think that it is important that the Senate accept Report "A". I think, in a way, the Senate is on trial here today to see if it can exercise its own independent judgment. I hope that it will.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: I oppose the motion of the Business Legislation Committee Chairman, the good Senator from Waterville, Senator Thomas, and thank him for the remarks that he made relative to the committee's work that we put in on this bill. I am sure that when we are finished here this evening, and after having accepted either Report "A" or Report "B", I am sure that the bands will play and the people will dance in the streets because the issue here is going to be obvious to all of them.

I do feel though, and I agree with Senator Merrill, that in the years to come, maybe in the months to come, that the decision we make here is a very important one. It is particularly important for myself and for the other good Senator from Aroostook, Senator Cyr, in his remarks. I would like to just point out that we are one of 16 counties, but it is a large county, it is a big county. To a man, the bankers in Aroostook County are opposed to Report "A" and in support of Report "B". I think there is a chance under Report "A" that some of the venture capital in Aroostook County may dry up; not all of it, maybe a small percentage of it. 10 percent would be 20 million dollars. 20 million dollars would pay for one-fifth of 150,000 acres of potatoes, which is how many potatoes we grow in Aroostook County.

I know it is difficult for some of the members of the Senate to understand what we are talking about in that particular county when we talk about venture capital, where it is 20 below zero and the wind blows and rocks as big as your head. It is difficult business. We win some and we lose some. There are very few things in that business that we cannot live without, but one of them is the availability of money. Very few, percentage-wise, of the Aroostook farmers get their funds from the Farmers Home Administration. We get

them from small commercial banks in Aroostook County.

So with that interest in mind, I signed Report "B", and I believe that Report "B" is the best report. I would like to make it clear to this body, and I am sure you do know it, that there was only one banker from Aroostook County who took part in the tremendous amount of work that was done by the commission that studied this problem. I believe they have come up with a great body of law, and I agree with Senator Thomas that this is virtually a unanimous report out of the committee, with the exception of the interest rate. I don't think I will ever again agree with anybody 100 percent, neither do I agree with them 4³/₄ or 5.

I would like to read a letter from the one banker from Aroostook County who did participate in that tremendous undertaking. "Dear Pete: Thank you for your recent call regarding L.D. 1134, the bank bill. The Aroostook Trust Company supports Report 'B' and hopes for your continued support of 'B'. Yours truly, Ted Turnquist". That is Theodore B. Turnquist, President, Aroostook Trust Company.

I would like to just close my remarks by telling the members of the Senate that we considered this bill, this banking bill, in the wake of a tremendous amount of public criticism with regard to the consumer credit code. We considered it in the wake of a mountain of amendments to that particular code. We did not want that to happen to the banking bill, so we asked for more hearings and more time. I think we have done the best we can do, and I am sure that the members of the Senate understand that after the lobby that has gone on here in the past few days. There is a tremendous amount of pressure, and well there should be, because I think it is an important decision.

I do hope that the failure of either report does not finally end up in the defeat of this legislation, because this is important legislation and, as Senator Thomas said, the business of banking is growing and it is growing up, and it needs this legislation. Thank you.

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

Mr. ROBERTS: Mr. President, I am perhaps a little unique here in this group inasmuch as I am on the fence and can't seem to get off it, and in that for the next year and a half — because I have been kicked off by previous legislation that will become effective in October of '76 — I am both a trustee of a savings bank and a director of a commercial bank, and I should be in the middle and sit down, I think, but I would explain as I see the problem in my community where we have a savings bank. In fact, we will have two shortly because Portland Savings has got its branch building nearly built. We also have two commercial banks, each one of which is a member of a large holding company. One is a member of Northeast and the other is a member of the Depositors system. We also have, to complete the circle, a savings and loan association, plus two or three small credit unions. So I guess we have the whole gamut.

On a savings bank, as had been indicated here, primarily you are dealing with loans for real estate. In fact, there are very few loans, until now, that a savings bank can make unless there is title to land involved somewhere, either land or buildings, or a house to be built. There are

a few exceptions. They do loan on pass books. They do loan occasionally a small amount on stocks or other securities, and occasionally they loan on just one or two signatures, but those are relatively small and relatively short-term loans. Now, those loans are regulated and the amount that they are allowed to loan in accordance with their valuation of the property is limited, and they are primarily there, or have been up to now, primarily in the business of building homes and helping people get started in that endeavor. Now, what they are asking for is for these same customers to be able to have personal checking accounts there. It doesn't seem like very much.

Now, at that point, let's stop and see what the advantage is that a savings bank has. And obviously, one of them which has been mentioned here is the fact that they do get one-quarter of 1 percent more interest than any of the commercial banks are allowed. That is not anything that we do; that is something that has been done at the federal level.

The other advantage that they have which I guess hasn't been mentioned here, at least I haven't heard it, is the fact that they are also taxed at the federal level. The banks pay an income tax the same as other corporations and the same as you and I do. And the savings banks do not pay anywhere near the amount of income tax, I mean the rate of income tax, that the commercial banks do. So those are two advantages that the savings banks have.

Now, what advantages do the commercial banks have? Well, they have the advantage, if you want to call it that — and it is in terms of making money — they have the advantage of loaning on strictly commercial ventures, which might be inventory in a store, which might be just simply a scheme that somebody thinks is going to go ahead, and it is what we call venture capital. They are allowed to loan on — 90 percent of their business, or at least 75 of it anyway, is commercial loans, and those loans mostly are much more, well, dangerous, if you want to use that word. They are not as safe as the loans on real estate, and consequently, they charge more interest because of the risk — I guess the word I should have said was "risky" there — there is more risk involved in the commercial loans. So, consequently, they charge more. Also, since they are in the commercial field, they do have commercial accounts and they have personal checking accounts, and so forth.

Now, when we get into the other advantages, you then talk about your big banks, and one of your advantages is statewide branching. Now, it has been indicated you could branch only into the next county, and now under this bill you have it statewide. That won't interest and doesn't certainly interest the smaller commercial bank, nor does it interest the smaller savings bank, but it does interest the large people. The large commercial banks are interested in being statewide, and most of them, through holding companies, are practically statewide, or at least some of the bigger ones are practically statewide. At the same time the larger savings banks in the southern part of the state, where Portland is and Maine Savings and Portland Savings, which are, of course, two prime examples of savings banks that are expanding and coming down into, as I indicated, my area. The Maine Savings Bank is also expanding in other areas.

Now, these banks, the large ones, are given that carrot, if you want to say that, the right that they are going to be able to expand more readily. Also, we have interstate banking which allows the other states to come in, allows combinations of money between other banks to come in so that you can in turn handle large demands of money which are really beyond the amount that any one bank or perhaps any group of banks in Maine could handle. The picture is roughly that.

Now, in my community, outside of our community we have two small commercial banks, both of whom have written me that they feel they are having a hard enough time to battle the large people, such as Depositors, such as Northeast Bank, and the other banking holding companies which are coming in and affiliating with other banks, or actually buying them up, as Maine National does, so as a result the small one says we can't compete with the fellow next door. Now, in the Town of Kennebunk we have the Ocean National Savings Bank, and twenty feet across the way is the Kennebunk Savings Bank. Now, they say if the savings bank is permitted to go into checking accounts that the small bank just can't last much longer, and that is their complaint. Now, the complaint of my small savings bank is that we are not particularly interested in going into checking accounts, we are interested in doing anything except being a savings bank, so we aren't interested in this, and we want to have "B" so that if we are going to have this bill to live with that we will have the choice: if we don't want to go into savings accounts, we don't need to, but if we do, then we will be willing to give up the one-quarter of 1 percent.

I feel that in fairness to both you give them an opportunity of choice if you report Report "B" out. Then the smaller ones have a chance to do what they want and go along. Otherwise, if you report Report "A", then the small ones, I think, have either got to fall in line or they are going to be gobbled up by the large ones.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: My remarks are going to be brief. I want to bring out two points. They were already brought out, but not in the same fashion.

Having been a businessman mostly all my life, I have been in competition with almost any type of market, big, small and medium, and I have found myself in competition with the big boys. In order to survive, I had to find a way to compete with them. I would suggest that the savings banks do the same thing toward the commercial banks.

Another thing that was brought out was the 4 million dollars that it would be costing the depositors. Well, I would suggest that the 4 million dollars could be very well put to use if they reduced their mortgage rates, so the customers would not be losing it; you would take it from one place and give it to the customers in the other.

What all this means, to my way of thinking, is that if we are going to compete with each other then let's go under the same rules. Why give one an advantage over the other? If the savings banks want checkbooks, fine, let's give it to them. But let's not give them an advantage of a quarter of 1 percent. Thank you.

The PRESIDENT: The Chair recognizes

the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: It seems to me that what we are talking about in Report "A" is some limited changes in the power of the savings banks. The proponents of Report "B" say that if they are going to be equal in powers let's make them equal in interest rates. In fact, they are not equal in powers under Report "A". Report "A" essentially is giving them a limited checking account power for personal checking accounts, which is an absolute necessity because of the Electronic Funds Transfer System which is coming in the fall. And with the passage of Report "B", there would really be nothing left for the savings bank to distinguish it to make it unique to attract depositors. In the long run, I think the savings banks would be hurt.

I don't think that really, when you talk about who you are going to hurt, the savings banks — I think you are primarily going to affect substantially two areas. One is the mortgage market, the real estate mortgage market, as the good Senator from Cumberland, Senator Merrill, has mentioned, because the savings banks have been the traditional banks which have put the money into the residential real estate market. And, of course, that has a spin-off effect through the whole building industry, which is in very dire straits, and it seems to me it is not a good time to adversely affect that industry. But more important, I think you are going to hurt the depositors. You are mandating in your equalization of the interest allowed to be paid on deposits, you are not mandating that interest upward, you are mandating that interest down, so that all the thousands of Maine residents who have deposits in savings banks, you are taking away from them that quarter of a percent. You are not increasing the interest allowable to be paid by the commercial banks; you are taking away. It seems to me that Report "A" still allows that uniqueness in the savings banks. It gives them very limited powers, and yet retains with the commercial banks those powers in the commercial field in the trust departments which sets them apart and allows them to attract investors into their banks.

So I would hope you would support the Majority Report "A" in concurrence with the other body. Thank you, Mr. President.

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

Mr. BERRY: Mr. President, I wonder if the President would ask the Secretary to hold aloft the legislative document?

Thank you very much Mr. President.

Mr. President and Members of the Senate: I asked the display up here because I think in my long term up here this is the only time that we haven't really printed a document and distributed it, and of course, it is because it is far, far, far too big and bulky. It is far, far too big and bulky because of the time, effort and very weighty subject matter which it contains.

When Governor Curtis charged the committee, as Senator Thomas indicated, on December 1 of 1972, which was two and a half years ago, and which is represented in this document here in the form of work, these were his words, his opening words to the committee: "I have formed this committee to help us study and improve our policies for dealing with Maine's banking institutions to insure that they are

efficiently and reliably meeting the needs of our people on fair and reasonable terms." Now, I invite this to your attention because a considerable portion of the debate to now seems to have concerns of the respective types of banks as the primary concern; what is good for savings or thrift institutions, and what is good or what is bad for commercial institutions. And I point out Governor Curtis's first point to the committee, and that is: what is good for the people of the State of Maine. This was the primary concern of the members of the bank study commission.

It had, in addition to legislators who were concerned with the public, it had the executive director of Combat, it had an attorney whose prime interest is bankruptcy proceedings, it had on businessmen, it had on several people of what I would say were very, very strongly consumer activist oriented. Every member of the committee was extremely faithful in attendance. I would say there were probably through the months and through the years 25 or 30 meetings held, well-attended all-day working sessions. There were two teams of consultants employed and they were tops in the United States. And throughout the deliberations and throughout the report that was held by the Secretary, the purpose was to develop a document to recodify the banking statutes, with the prime purpose of bringing good financial services to the people of the state, and not to enhance or hurt institutions in the process. The board purpose was to develop economic resources, to make credit available, to make banking services available, both physically and in quantities necessary for the well and proper development of our state.

One of the things that has developed out of this that I think is extremely important is the emphasis placed on giving the banking superintendent — the word must be used — tremendous responsibilities to establish procedures in the banking and in the financial fields. One could take umbrage at this, but it certainly is the better way to operate.

Throughout the study — and I think the bankers finally on the committee became aware of what we who were not in the banking community told them when we started — throughout the study it became more and more obvious that Maine is behind the rest of the country in its banking, and that ahead of us here in Maine lies changes in the banking community that we today are just beginning to sense. In other words, banking is changing, and the bill before you today permits the orderly growth of banking. It does not restrict by structural restriction in the development of our banking units credit to the people of the state. It does just the opposite. It is an extremely flexible document. For instance, it has tackled the age-old problem we have had here before the legislature of how can you convert from one type of institution to another. This has been, as many of us who have been here before this session know, a real knotty problem: how can you go from a thrift institution to a commercial, from a stock ownership institution to a mutual or vice-versa, and that bill provides the mechanism for these very, very important things to be done.

How can we cope with the electronic progress that has been made in the banking field elsewhere and is just beginning to be felt in Maine. Just a

whisper of what is to come has crossed the borders into Maine. This bill provides for that.

Now, I am placing emphasis on what this bill does, because I ask you in the Senate to please be sure that we pass a bill. And I hope we don't see in the maneuvering that has been going on an attempt to get the two bodies in opposition and have the bill drop right in between us. This is why I am explaining the very important place in the firmament that this bill takes. I think that if you will realize that the thrust of the bill is being for the person of the state, then you will vote that way. I would strongly encourage you to vote for Report "A".

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 Knox, Senator Collins.

Mr. COLLINS: Mr. President, I would ask to be excused from voting on this matter because of the possible appearance of a conflict of interest.

The PRESIDENT: The Senator from Knox, Senator Collins, now requests leave from the Senate to refrain from voting on this issue because of the possibility of an appearance of conflict of interest. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I request permission to pair my vote with the Senator from Washington, Senator Wyman, who if he were here, would be voting "No" on the motion to accept Report "A" and I would be voting "Yes".

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, now requests permission from the Senate to pair his vote with the Senator from Washington, Senator Wyman, who, if he were here, would be voting against the acceptance of Report "A", and the Senator from Androscoggin, Senator Clifford, would be voting in favor of accepting Report "A". Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I request permission to pair my vote with the Senator from Somerset, Senator Corson, who, if he were here, would be voting against the motion to accept Report "A", and I would be voting for it.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now requests permission to pair his vote with the Senator from Somerset, Senator Corson, who, if he were here, would be voting against the acceptance of Report "A", and the Senator from Cumberland, Senator Jackson, would be voting in favor of accepting Report "A". Is it the pleasure of the Senate to grant this pairing?

It is a vote.

The Chair would also like to have the record show that the Chair also will abstain from voting on this issue because of either the real or the apparent possibility of a conflict of interest.

Is the Senate ready for the question? The pending question before the Senate is the

motion by the Senator from Kennebec, Senator Thomas, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee. A "Yes" vote will be in favor of accepting the Majority Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry, R. Berry, Cianchette, Conley, Curtis, Gahagan, Graham, Huber, Merrill, O'Leary, Pray, Reeves, Speers, Thomas, Trotzky.

NAYS: Senators Carboneau, Cummings, Cyr, Danton, Graffam, Greeley, Hichens, Johnston, Katz, Marcotte, McNally, O'Leary, Roberts.

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, one Senator being excused from voting and the President abstaining, the motion prevailed.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I would now move that the Senate reconsider its action whereby it accepted Report "A", and I hope the Senate would vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby it accepted the Majority Ought to Pass Report of the Committee. All those Senators in favor of reconsideration will say "Yes"; those opposed will say "No".

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

Thereupon, the Bill was Read Once, Committee Amendment "A" was Read and Adopted in concurrence.

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

Mr. BERRY: Mr. President, I wonder if we might not move the session along a little bit if we suspended the rules and passed this to be engrossed at this stage of the game?

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate suspend the rules in order that this bill may be given its second reading at this time. Is this the pleasure of the Senate?

The Chair will order a division. All those Senators in favor of suspending the rules will rise in their places until counted.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, I ask for a roll call on this. I think we are going just a little too fast now.

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 on the motion to suspend the rules 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 Berry.

Mr. BERRY: Mr. President and Members of the Senate: My motion was in a heartfelt attempt to take probably a day off of the session and engrave and engross that document, and I certainly don't want anybody to think that we are trying to elaborate on our victory. There is nothing here in an attempt to fool anybody at all, and in respect to the gentlemen who take it

otherwise, I withdraw my motion, with your permission.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now withdraws his motion that the Senate suspend the rules. Is it the pleasure of the Senate to grant this request?

It is a vote.

Thereupon, the Bill, as Amended, was Tomorrow Assigned for Second Reading.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on H. P. 825, L. D. 1008, An Act to Allow Payment of Unemployment Compensation Benefits During Labor Disputes Caused by Failure of the Employer to Correct Hazardous Working Conditions.

have had the same under consideration, and ask leave to report: that the Senate recede from its action whereby it accepted the Minority Ought Not to Pass Report; accept the Majority Ought to Pass Report; adopt Committee Amendment "A" (H-378); and Pass the Bill to be Engrossed, as Amended by Committee Amendment "A", in concurrence.

On the part of the Senate:

ROBERTS of York

DANTON of York

On the part of the House:

CHONKO of Topsham

HUGHES of Auburn

TEAGUE of Fairfield

Which report was Read.

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

Mr. BERRY: Mr. President, it is my interpretation of the committee report that it is diametrically opposed to the position of the Senate, and I move that the Senate reject the Committee of Conference Report.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reject the Committee of Conference Report. Is this the pleasure of the Senate?

The motion prevailed.

Enactors

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

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

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

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

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

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

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

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

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

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

An Act Relating to Funding of Richmond

Schools for 1975. (H. P. 1667) (L. D. 1920)

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

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

An Act to Make Attendance at a Rehabilitation Program Mandatory for the First Offender Convicted of Operating under the Influence. (H. P. 964) (L. D. 1217)

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

Mr. CLIFFORD: Mr. President and Members of the Senate: It is not my intention to debate this bill again. I think the Senate was pretty firm on its action that they wanted to make these rehabilitation programs mandatory, even for the first offender. But I would like to recall a bill which has gone through this legislature and currently lies on the Highway Appropriations Table which the department involved was not as favorably disposed to, and there were some additional hearings which would most likely be required under that law, and that is the provisions license bill. And that department was pretty quick to indicate that in their opinion there was a fiscal note involved with that bill, and that bill now lies on the Highway Appropriations Table.

Now, L. D. 1217 likewise has provisions in it for additional hearings which are not now required under the law, and I would make an inquiry through the Chair to the Senator from Waldo, Senator Greeley, as to whether or not that department has indicated that there would be any fiscal note or any appropriation required to handle the additional hearings which would be mandated under this legislation.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has posed a question through the Chair to the Senator from Waldo, Senator Greeley, who may answer if he so desires.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I think the answer is that there is no fiscal note indicated by the department, although the bill pretty clearly indicates that there will be additional hearings. I think that also indicates the power of the various departments and bureaus and their influence over the final result of these bills. Therefore, Mr. President and Members of the Senate, I would request a division on the enactment of this bill.

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

Mr. COLLINS: Mr. President and Members of the Senate: The Senator from Androscoggin, Senator Clifford, speaks of additional hearings. In the discussion of this program with the Secretary of State, Mr. Gartley, and his bureau chief, Mr. Wyman, it was my understanding that the bureau at the present time has some attention given to the type of things that may be expected with respect to hearings. They told us that most of the problems with respect to these hearings come from service connected people at the Loring Air Force Base or at the Brunswick Naval Air Station, where sometimes people connected with these installations are involved in violations and they are transferred out of

the State of Maine before they reach the time when they would normally have their license restored, or in the case of second offenders, they are transferred in such a manner that they are unable in any practical fashion to take the rehabilitation program prescribed in those cases. And because of this practical problem that has arisen for a few people of that type, the department has had to spend a considerable amount of time on correspondence with other states in trying to work out this license restoration problem.

It was my impression from what they said that they did not expect that burden to be any greater with this program than it has been in the past and, in fact, since we clearly laid down in this program the procedure to be followed, they felt that it would go along more easily in those cases. They expect that in the great volume of cases the offender will take the rehabilitation program because it is a desirable thing for him and he has a chance of getting his license back sooner if he takes the program. And the program itself is self-supporting through the \$30 charge.

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

Mr. CLIFFORD: Mr. President, I think the remarks of the good Senator from Knox, Senator Collins, are really inconsistent with the current practice under the current law. As you know, under the current law, if a person takes the rehabilitation program, which he can, he gets his license back earlier, and they have complained that not enough people are taking the course on a voluntary basis.

This bill would require that the person take the course, or if he did not take it — and apparently many of them now under the current law do not take it, do not choose to get their license back early — they would have to have a hearing before the Secretary of State to explain the reasons why they didn't take it or why they couldn't take it or why they should have their license back anyway. I think it would require a number of hearings, from the present experience with the present law. I bring it up to show the influence that a bureau can have over the final fate of various legislation, depending on how the bureau looks at the bill, favorably or unfavorably.

So I would hope that we could defeat this bill, the motive for which is to get sufficient monies to keep these programs going, and you are going to have a lot of people in these programs who are not in there on a voluntary basis. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question is, the enactment of L. D. 1217.

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

A division was had, 13 having voted in the affirmative, and 12 having voted in the negative, 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.

An Act to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-offenders. (H. P. 1114) (L. D. 1416)

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

Mr. SPEERS: Mr. President and Members of the Senate: I apologize for the lateness of the hour, but simply because of the lateness of the hour I do not believe that the Senate should be passing what I would consider to be bad legislation.

I sympathize very greatly with the object of this particular bill, but I want to congratulate the good Senator from Kennebec, Senator Katz, for the hard work that he and his committee have done on this bill and, as he has explained it or presented it to the Senate, this is a compromise measure or the best that they felt could be arrived at.

However, I do believe and feel very strongly that this is a case of an earnest and honest desire to do some good for some individuals, but in so doing, to be simply blind to the effects and the problems that it is going to create for other individuals, for a large majority of society. I think that this very commendably is a bill to respond to a desire to legislate morality or legislate away all the ills of society. And I think that often that when we come here in our desire to do good works that very often we tend to do just that, desire to legislate away all of the ill of society. I think it would be very nice if we were able to do that. And I think it would be very nice if we were able to simply pass a law and put on the statute books that everyone is going to have to be polite to everyone else, or everyone is going to have to be friendly with everyone else. But I really think that just to state the problem or that question is to obviously put very real limits on the ability of legislation to create and to form a society that we would all like to see come about.

Now, the legislature or we, as legislators, are often questioned after we go home about one particular bill or another, and very often we are asked the question, well, how could that law have passed when it has such effect as a particular law might have. And I certainly don't want to resort or even bow to scare tactics, and I apologize for bringing up probably some unpleasant situations, but I really believe that some of these situations could come about, and that is where an individual owning a large apartment complex would indeed under this law be forced to rent an apartment to an ex-offender, an individual who may have been convicted of violent crimes in the past, perhaps even more than once. What effect is that going to have on the neighbors of that individual who perhaps unjustifiably so, or perhaps justifiably so, are very nervous about the fact that an individual who has been convicted of violent crimes in the past is living next door. And I think that we really do have to have some concern for the regard of those individuals who would have that kind of an objection to that situation.

I can sympathize very greatly with the plight of the individual who happens to be an ex-offender in his earnest desire and attempt to re-enter society and to regain the respect of society, to re-enter the everyday living and to have the opportunities to rent an apartment that he may wish to rent or accept a job that he wishes to apply for, and I think that the battle of those individuals who wish to re-enter society like that probably is a story of great courage and undoubtedly a story of great frustration in many instances. But we are talking about passing legislation at this moment, and I think that there is a very real limit to the amount of correcting of society's ills that can be accomplished through legislation, and I think there is a very real limit as to how far society has to accept the burden of

correcting the effects of mistakes that have been made by individuals.

Now, I have a great deal of respect for the purpose of the Human Rights Commission. The purpose of that commission is to insure that there is equal opportunity for all of the members of society. But I would submit that there is a very real difference between insuring that there is equal opportunity for individuals who may have some difference because of the color of their skin or because of their sex, between that difference and insuring equal opportunity through mandating through our laws for individuals who have made mistakes in their own lives in the past. On the one hand, the individuals have had nothing to say about their differences. We have nothing to say about the color of our skin or about our sex, but we certainly have a great deal to say and a great deal of responsibility to accept for the actions which we voluntarily take in the past. I do think it is up to the individual member of society to fight himself to win back the respect of society, and not up to society itself to mandate that an individual must have respect and all of the amenities that society may have to offer, to mandate that society must forgive or even pretend that a particular incident never happened.

This may indeed be a harsh view. I hope that it will not be regarded as such. But I do feel that there are limits beyond which we in these halls cannot go, and I certainly respect the efforts on the part of the Human Resources Committee and the good Senator from Kennebec to find some way to help ex-offenders regain the respect of society, but I do believe very strongly that that fight must be won on their own.

Mr. President, I would move the indefinite postponement of this bill, and would ask for a roll call.

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

Mr. MERRILL: Mr. President, I have to commend the Senator from Kennebec. There are a lot of us who would be timid about speaking so long at this late hour, and I commend him on this important subject for not bowing to that timidity. Unfortunately, he is wrong.

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

Mr. CONLEY: Mr. President and Members of the Senate: I certainly don't want to belabor the session this evening, and I think it is indeed unfortunate that it is so late in the evening that we are debating what I consider to be a very important bill.

I believe the memory of the Senators present here today will recall that this is not the first time that this bill has come under attack. In fact, when it was first reported in to this body, the majority floor leader at that time took exceptions to the report of the committee and moved for its indefinite postponement. The Senate overwhelmingly at that time rejected that motion of the majority floor leader.

I am also sorry for the fact that some members of the Senate apparently felt that today has been a very weary, hard-working and tiring day for them, and have decided that perhaps it has just been a little bit too much and have decided to go on to supper or to bed possibly.

I think this legislation is essential. I think because of the fact that someone has erred at one time in their life, I think it is unfortunate, as the good majority floor leader has said, that we do have to legislate laws such as this in order to insure these individuals the rights which

you and I have no problem whatsoever with.

I have to congratulate the good Senator from Kennebec, Senator Katz, and his committee for turning out this piece of legislation, and I am sure at the time this bill first came here that the good Senator remarked what a difficult time they had in committee in trying to compromise and work this bill into a position that would be acceptable to the committee. I think what it really boils down to is whether or not we as a body are going to recognize that because of the problems of life itself, the many, many problems, and particularly the problems that I think are more highly concentrated in an area such as mine, the city problems, I call them — and perhaps you incur them also in rural areas — but I think that to have two strikes against a person, we ought to be able to have, as in the speech of the majority floor leader, an act of contrition. I think that is what is needed and I think that is what this bill will do.

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

Mr. GRAHAM: Mr. President and Members of the Senate: It is cheaper to send a man to Harvard than it is to send him to Thomaston. This bill is not only a humanitarian measure, it is a rehabilitation measure. It is a measure to rehabilitate the former offender so that he can return to society. If we close our doors to these former offenders, they have no place to go but back to crime and back to jail, at our expense.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: The Committee on Judiciary this year heard a bill, and I believe the bill has been enacted, pertaining to licensing, state licensing of ex-offenders. The committee spent quite a bit of time on the bill tightening it up, and I think the result was a good bill where a person should not be denied a license for various trades because of a prior conviction unless, that bill provided, that prior conviction had a direct effect on the profession which was being licensed. But there was also a further provision in that bill which provided that the overall character of the applicant for the license can be considered.

I too think that the motives of this bill are very worthwhile. I was hoping that perhaps the real issue on this bill could have been determined at the time of the appropriation, and it does have a fairly substantial appropriation attached to it. But I think just to point out, as I read the bill, the Human Rights Act concerns employment, and as I read the bill, the only requirement in the bill for refusal to exempt from the provisions of the bill is in the area of employment; that is, where the prior conviction had a direct relationship to the type of employment, then there is an exemption and the person need not hire.

As I read the bill, and I would hope to be corrected, there is no such requirement in either the area of housing or the area of public accommodations, and it seems to me that someone who, for example, had a prior conviction for serious drug offenses, might not be refused to rent a hall, for example, to run a rock concert. And I think the other example in the housing has been pointed out where someone who had a prior conviction or convictions for violent crimes could not be denied access to housing. So I think that the bill really is

loose in those areas of public accommodation and of housing, and it seems to me that there ought to be an ability on the part of the person renting the house or an ability on the part of the person renting the place of public accommodation to consider the relationship of the prior conviction to the housing or to the type of activity which is going to be taking place in the public accommodation. And it further seems to me that there should be some kind of requirement or ability on the part of that person to consider the overall character of the person.

So I have serious reservations about the bill, although I think that the idea is noble and I think the bill could be written properly, but I think that it is quite loose, and especially in the areas of the housing and public accommodations. It leaves the owners of these buildings open, I think, to a lot of harassment on the part of the Human Rights Commission. Thank you, Mr. President.

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

Mr. SPEERS: Mr. President, I am glad the good Senator from Androscoggin, Senator Clifford, brought up an earlier bill that was passed and which I believe we all supported, and that is the licensing of an ex-offender to practice a trade. I would like to point out a very real and distinct and important difference between that bill and this bill. That is that in that bill the legislature was mandating state actions and state considerations, and we were stating in that bill that the state may not deny an individual a license to practice a trade simply on the basis of his being an ex-offender. I supported that bill and I have no qualms about that whatever.

But the bill that we have before us today is the mandating of private action. We are not saying that the state is not going to discriminate on the basis of ex-offenders. What we are saying is that private citizens may not consider the fact that an individual is an ex-offender when he is considering whether or not to rent to an individual in housing or to offer an opportunity for employment to this individual.

Now, I frankly, if I were in that position, I would hope and I trust that I personally would try to evaluate the character of an individual rather than simply his background, try to evaluate whether or not he was in fact rehabilitated, whether or not there was a chance that he would again commit a particular crime, whether or not it was a problem to the rest of the tenants that I might have in a particular boarding house, if I ever owned one. But to say under state law that you can't even consider that, that you must ignore the fact that the individual is an ex-offender, I think is just going a little too far and asking for an impossibility through legislation.

I am very happy that the good Senator from Androscoggin, Senator Clifford, has indicated that he does not feel this bill is written quite correctly, however, the good Senator from Kennebec, Senator Katz, has indicated that they have worked many and long hours at attempting to arrive at a bill which would be written correctly. And I think that that situation merely points up the fact that it is very difficult, if not impossible, to write legislation that will take care of all society's ills. I think it comes right back to the question of the individual in society: the individual, regardless of what we do here, still is going to have to win back the respect of his fellow beings.

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

Mr. KATZ: Mr. President, there are so few of us here tonight, a small but very select group, I am going to suggest that the Senate retain the conviction that it had — if you will excuse the pun — the conviction that it had the other day when it supported this legislation, let it go on the Appropriations Table, and perhaps our numbers will be a little larger when it comes time for enactment.

I will say that many of the arguments that were made tonight were made originally at the time the Human Rights Act was passed some sessions ago, because when you plow new ground and you are not quite sure of the implications you always have some feeling of timidity. But the Human Rights Act does not require anybody to hire somebody despite his age or despite his religion or the color of his skin. The Human Rights Act says you can't make these kinds of distinctions solely because of age or solely because of color of skin. And I suggest that a person who has gotten into pretty regular trouble and is a violent human being would not make a good tenant in any respect, regardless of whether he had a prior conviction, and I would presume that no landlord would have any problems taking somebody who had a long record of breaking furniture and keeping out as a tenant. I think this is the way the law has worked up until now and I think it would continue to work this way.

Incidentally, when the Senate supported this legislation several days ago, it was in somewhat tougher shape than it is now. It has been weakened down in the other body again. So the conviction of the Senate that it was a good bill the other day should be doubly enforced by the action of the other house, and I ask you to let it go on the Appropriations Table tonight, and when the full Senate is here, sometime before we adjourn, we can look at it again.

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.

More than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that L. D. 1416 and all its accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Carbonneau, Cianchette, Clifford, Collins, Curtis, Cyr, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, McNally, Speers, Trotzky.

NAYS: Senators Berry, R.; Conley, Cummings, Gahagan, Graham, Katz, Merrill, Pray, Reeves, Thomas.

ABSENT: Senators Berry, E.; Corson, Danton, Marcotte, O'Leary, Roberts, Wyman.

A roll call was had. 15 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with seven Senators being absent, the motion prevailed.

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

Mr. CLIFFORD: Mr. President, I move

reconsider, and I hope you will vote against me.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed. All those in favor of reconsideration will say "Yes"; those opposed will say "No".

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

Emergency

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

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

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.