

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, June 13, 1975

Senate called to order by the President.
Prayer by the Honorable Walter W. Hichens of Eliot:

Our Lord and our God, amid the pressures and the confusions of the closing days of this Legislative Session, may we be reminded of what Thou hast told us is good. What Thou requires of us is to do what is just, to show constant love and humbly obey our God. Help us this day and every day to do these things, we ask in Thy name. Amen.

Reading of the Journal of yesterday.

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

In the House June 10, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-651).

In the Senate June 12, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by Senate Amendment "A" (S-296) Thereto, in non-concurrence.

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

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

Communications
State of Maine

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

June 12, 1975

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

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Abolish the Defense of Sovereign Immunity in Certain Situations" (H. P. 1297) (L. D. 1568):

Rep. GAUTHIER of Sanford
Rep. HENDERSON of Bangor
Rep. PERKINS of South Portland

Respectfully,
s/ EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports
House

Ought to Pass — As Amended

The Committee on Marine Resources on, Bill, "An Act Relating to Commercial Fishing and the Increase of Certain License Fees Issued by the Department of Marine Resources." (H. P. 1118) (L. D. 1415)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-572)

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-572) and House Amendments "A" (H-691), "B" (H-725), and House Amendment "C" (H-733), as amended by House Amendment "A" (H-742) Thereto.

Which report was Read.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: While the President is figuring out, and the Secretary, the amendment procedure here, I will try to give you a breakdown of what has happened.

The basic bill as reported out by the committee increased the lobster fees to \$25, and took the warden service and provided for one assistant attorney general to provide legal services to the Department of Marine Resources. The several committee amendments end up by a license fee of \$20, and an 18-year and under age license fee of \$10, and has adjusted the appropriations within those reduced figures. I think the concept of the bill was to answer a complaint that many of the fishermen had that the warden service was inadequately staffed and that they were willing to pay increased lobster fees to provide this revenue necessary.

Lobster fees have stayed at \$10 for many, many years and with the price of lobster being what it is now, and providing for the young people to get into it at the existing fee of \$10 instead of going to \$20, it would be my thought that we have here a reasonably workable document, so I would hope that we would accept the several House amendments and move the bill along.

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

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Provide Alternatives to the Compulsory Attendance Law." (H. P. 858) (L. D. 1079)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-670).

Signed: . . .

Sensors:

COLLINS of Knox
CLIFFORD of Androscoggin

Representatives:

GAUTHIER of Sanford
MISKAVAGE of Augusta
HEWES of Cape Elizabeth
BENNETT of Caribou
HUGHES of Auburn
PERKINS of So. Portland
SPENCER of Standish
McMAHON of Kennebunk

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

Signed:

Senator:

MERRILL of Cumberland

Representatives:

HOBBINS of Saco
HENDERSON of Bangor

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

Which reports were Read.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once.

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

The Majority of the Committee on Taxation on, Bill, "An Act to Repeal an Act Relating to Property Taxation which was Enacted by the 106th Legislature." (H. P. 539) (L. D. 655) Reported that the same Ought to Pass in New Draft under New Title: "AN ACT to Revise an Act Relating to Property Taxation which was Enacted by the 106th Legislature." (H. P. 1664) (L. D. 1917)

Signed:

Senator:

MERRILL of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under New Title: "An Act to Repeal an Act Relating to Property Taxation which was Enacted by the 106th Legislature" (H. P. 1665) (L. D. 1918)

Signed:

Sensors:

WYMAN of Washington
JACKSON of Cumberland

Representative:

IMMONEN of W. Paris

Comes from the House, the Majority report Read and Accepted and the Bill, in New Draft, (H. P. 1664) (L. D. 1917) Passed to be Engrossed as Amended by House Amendment "G" (H-745).

Which reports were Read.

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am sure that this bill will be debated when it gets to its second reading. I would just like to point out to the Senate that this is the bill to revise the tax assessment districts law that was passed in the last legislative session. The majority report which we just accepted, I think, represents a very honest and very reasonable compromise between the position of 1997 and the position that some of the people who have the most extreme ideas on property taxation have taken. I would be glad to answer any questions about it before we consider it again on Monday.

The PRESIDENT: The Secretary will read House Amendment "G".

House Amendment "G" was Read and Adopted in non-concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

Six members of of the Committee on Human Resources on, Bill, "An Act to Provide Minimum Standards for the Protection of the Rights of Residents of

Public Institutions." (H. P. 1219) (L. D. 1807)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-553).

Signed:

Senators:

KATZ of Kennebec

GRAHAM of Cumberland

Representatives:

TALBOT of Portland

BACHRACH of Brunswick

SAUNDERS of Bethel

DAVIES of Orono

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

Signed:

Representatives:

RAYMOND of Lewiston

CONNORS of Franklin

TRUMAN of Biddeford

HUNTER of Benton

AULT of Wayne

HUTCHINGS of Lincolnville

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

Which reports were Read.

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

Second Readers

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

House

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

Bill, "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)

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

Resolution, Proposing an Amendment to the Constitution to Provide a Non-Jury Trial for Petty Criminal Offenses. (H. P. 301) (L. D. 351)

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

Sent down for concurrence.

House — As Amended

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

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

Resolve, Authorizing Genevieve St. Amand and Romeo St. Amand or their Legal Representative to Bring a Civil Action Against the State of Maine." (H. P. 582) (L. D. 721)

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

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)

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

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

Bill, "An Act to Revise the Laws Relating to Financial Institutions." (H. P. 831) (L. D. 1134)

Which was Read a Second Time.

Mr. Carbonneau of Androscoggin then moved that the Bill be tabled until later in today's session, pending Passage to be Engrossed.

On motion by Mr. Conley of Cumberland, a division was had. 13 having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

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

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I move reconsideration of this item and ask the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby L. D. 1134 was passed to be engrossed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

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

Bill, "An Act Establishing Educational Requirements for Licensing of Real Estate Brokers." (H. P. 1677) (L. D. 1924)

Which was Read a Second Time.

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

Mr. REEVES: Mr. President and Members of the Senate: I am reluctant to stick out my neck on this bill since so many of my friends are in the real estate business, but I feel strongly that this is not necessary legislation in that it is not necessary to tie up the real estate business with professionalism, as this bill proposes, as though real estate brokers were doctors or lawyers. There was no evidence that this type of professionalism is necessary and needed at this time in this field.

This bill which was devised by the real estate brokers and their lobbyists would only prevent, in my opinion, ordinary people from working in this area. It would also drive many good people from their jobs in this field and eventually, I believe, it would drive up the fees for real estate services and make brokers into an elite society. I am urging that we not go overboard with this type of legislation which would, in effect, give the state sanction to real estate brokers to protect their own interests. At this time I would like to move the indefinite postponement of this bill.

The SPEAKER: The Senator from Kennebec, Senator Reeves, now moves that L. D. 1924 be indefinitely postponed.

The Chair recognizes the gentleman from Kennebec, Senator Thomas.

Mr. THOMAS: Mr. Speaker, Ladies and Gentlemen of the House: You may have noticed yesterday in the journal that when this bill came before the Senate I abstained, and I would like to give you my reasons for abstaining. I did not take part in the hearing, although I sat in the room, nor did I take part in the working session because of the fact that the educational requirements that are now in this bill are being offered at the institution of which I am president. This bill calls for twelve credit hours of real estate law and nine of a related field, and at our institution we have the nine credit hours of the related field

which are of course in the area of business.

It is the feeling of the majority of the committee, however, and I feel I should explain this, that because of environmental laws, the zoning laws, planning and so forth, and LURC, the real estate brokers should be brought up to date on these current trends in the field of the sale of land and so forth. I would hope, although I did not vote in committee, that you would oppose the motion of the Senator from Kennebec, Senator Reeves.

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

Mr. SPEERS: Mr. President, I would also oppose the motion of the good Senator from Kennebec and ask for a division.

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

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

The PRESIDENT: Is it now the pleasure of the Senate that this bill, as amended, be passed to be engrossed in concurrence?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, having voted in the majority, I now move the Senate reconsider engrossment and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this bill was passed to be engrossed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

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

Senate — As Amended

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)

Bill, "An Act Establishing Registration Procedures for Administrative Lobbyists and Proscribing Certain Lobbying Activities." (S. P. 474) (L. D. 1608)

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

Sent down for concurrence.

Enactors

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

An Act to Clarify the Laws Relating to Dentistry. (S. P. 70) (L. D. 235)

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

Orders of the Day

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

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

Tabled — June 12, 1975 by Senator Corson of Somerset.

Pending — Motion of Senator Marcotte of York to Reconsider Action whereby Bill was Passed to be Engrossed as amended.

(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), in non-concurrence.)

On motion by Mr. Corson of Somerset, retabled until later in today's session, pending the motion by Mr. Marcotte of York to Reconsider whereby the Bill was Passed to be Engrossed.

The President laid before the Senate the second 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 — June 12, 1975 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed. (In the House — Bill and Accompanying Papers Indefinitely Postponed.)

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

Mr. CLIFFORD: Mr. President and Members of the Senate: The amendment to which I referred yesterday is being printed and has not been distributed, unless this is it, and therefore, I would appreciate it if someone could table it until later in today's session.

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

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

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

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

Tabled — June 12, 1975 by Senator Curtis of Penobscot.

Pending — Passage to be Engrossed. (In the Senate — Committee Amendment "A" (S-288), Adopted.)

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

Mr. CURTIS: Mr. President, I too am having a problem getting the amendment that I was talking about before available. It should be ready this afternoon, and I would ask that someone might table this 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.

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

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

Tabled — June 12, 1975 by Senator Clifford of Androscoggin.

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

(In the Senate — Committee Amendment "A" and Senate Amendment "A" (S-286), Adopted.)

Mr. CLIFFORD: Mr. President, I am afraid you won't believe this, but there is an amendment which is being prepared. I

would appreciate it if this could be tabled until later in today's session.

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

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

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

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

Tabled — June 12, 1975 by Senator Cianchette of Somerset.

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

Which was Referred to the Committee on Marine Resources and Ordered Printed in concurrence.

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

HOUSE REPORTS — from the Committee on Public Utilities — 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) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as amended by Committee Amendment "A" (H-699).

Tabled — June 12, 1975 by Senator Trozky of Penobscot.

Pending — Motion of Senator Cyr of Aroostook to Indefinitely Postpone Bill and Accompanying Papers.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-699).)

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

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Berry, yesterday said that the only reason we have this bill before us now is because a bad bill was passed by the 106th Legislature. He went on to say that this bad bill was passed only because it was promoted by a woman. He is wrong on both counts.

In the first place, I hold my fellow Senators of the 106th in far higher regard than to think their votes were influenced in any way by the fact that a woman was in favor of a bill. This, Mr. President, is the first real put-down that I have had as a legislator. It was uncalled for, unnecessary and, most important, untrue.

The second count where he is wrong is that that bill was designed to fill a reputed need, the need of a legal method whereby littoral owners could gain control and ownership of a deteriorating dam upon which the level of their lake depended. As it turned out, only one of these abandoned dams has gone through these steps, but the legal steps are available and will probably be used more frequently as the years go by.

Now to this bill, the good Senator from Aroostook, Senator Cyr, did not recognize the bill from my statements on the abolishment of the office of inspector of dams because it was not even mentioned at

the hearing or in any of our work sessions. In fact, I just learned of this effect yesterday when a member of the Civilian Emergency defense Office called to bring it to my attention. I have had put on your desks the resume that came from the Office of Civilian Defense or Civilian Emergency Defense Office called to bring you to refer to if you can. In it, it points out the steps that have to be taken in order to have a dam just given over to the state. Senator Cyr explained very well the imminent expense to the state which will surely come if this bill is passed as it is.

Just to put it in a nutshell, if an owner of a dam does not want to repair it, the only way to force him to maintain it now is for the dam inspector to investigate and report that its state of disrepair is such as to endanger life and property. The law then forces him to make the necessary repairs. If this particular section of the bill is removed, there will be no one that can force the repair of these dams. I have been told too that there are instances where even the property that is above the dam could be considered as being damaged should the dam go out because, of course, that there would no longer then be lake shore property.

If this bill should pass, many, many dams will be given to the state, however, it is not a good gift. Their maintenance and repair can easily run into hundreds of thousands of dollars. All an owner has to do is offer it for sale, and if there are no buyers, offer it to a municipality. If a municipality doesn't want it, give it to the state, and the state has to take it, repair it, and maintain it forever.

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

Mr. BERRY: Mr. President and Members of the Senate: I certainly want to express my apologies to the good Senator from Penobscot, Senator Cummings, because I know she is assured that in the heat of debate my comments were merely made because of my lack of enthusiasm with this bill here and the original basic bill, and was really a compliment to the high esteem in which she is held by members of the past and present Senates.

The bill which we are talking about here is a major problem, as I indicated in our debate late last night, that the state is facing on these dams, a problem historically presented to the legislature, historically unsolved. The problem has always been who is going to pay for it. We have yet to come up with the money to say that the state, as she indicated and as Senator Cyr indicated, we have yet to come up with the money which will pay for correcting these dam situations as they arise.

I think in all fairness to the people who are running the system now, I know of at least one instance where Mr. Robbins has done a good job in trying to bring various interests together on a dam problem, but this does not override the basic problem that we just don't have enough money to solve the dam problem. So I would support the motion of the Senator from Aroostook, Senator Cyr.

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

Mr. COLLINS: Mr. President and Members of the Senate: Three serious problems with dams have arisen in my district in the past year. I regret that I did not find the opportunity to work on this bill before yesterday because I have some very definite ideas to contribute to it. I

hope very much that the Senate will defeat the motion to indefinitely postpone and will accept the minority report so that the bill will be in a position to be amended.

I agree with the good Senator from Aroostook, Senator Cyr, that the bill in its present status is a bad bill. It does expose the state to much greater liability, financial and otherwise, than it ought to have. My amendment would go to that difficulty by eliminating the liability of the state from the picture.

The problem that we are having more and more in our ponds and lakes in Maine is that there has been a complete change in the purpose of dams from the time that they were first built. Originally, they were mostly for commercial purposes as we know, for grist mills, lumber mills, and occasionally for small generating plants of electricity. And through the years most of those commercial and industrial uses have disappeared. There are still some left and this bill would be very careful about those. Any dam still in use for commercial or industrial purposes would not be affected by this bill.

Let me give you an illustration out of my own professional experience. A dam was running into such a state of disrepair that it appeared that some 25 cottagers around this small pond would soon not have any pond in front of them at all. A great many of our ponds and lakes are manmade or at least partially manmade. The water levels have been lifted for many, many years by these dams which have been kept in various states of repair, but which are now in many cases falling into very bad states of repair. These cottagers at this small pond came to me to ask what could be done and who owned the dam. No one seemed to know who owned the dam. It has been years since anyone had taken any care of it, and what little care it had was from fishermen and cottagers who had put in a board or plank rather haphazardly now and then. I and my staff searched for several days in the registry of deeds trying to find out the ownership of the dam. When we finally concluded our work, our conclusion was that it must be owned by the heirs of a man who had died in the 1890's, and whose heirs, whoever they are, are absolutely unknown in that area. We made extensive inquiry among town clerks, oldtimers, people in their 80's, and we were unable to locate any heirs that would have legal status to claim title to this dam.

This bill, as I would like to amend it, would be modeled largely on the State of Michigan's Act and based heavily on the experience of that state with this same situation. It only goes to permitting a group like these cottagers that I mentioned to petition, go through various public notice procedures and other steps to insure due process of law, so that ultimately they may be able, by having a pond or lake association which would be incorporated, acquire the title and responsibility over this dam. This is important not only to the cottagers around that particular pond, but in many cases it may become important to the downstream owners, because if some of these dams go out, as they eventually will if nothing is done, where there is no owner around, there can be damage to the downstream owners and there can be very minor problems, but nonetheless problems, of flood control.

We in a fairly good size town in my district had a case where a dam located part way downstream between a lake and the ocean was in trouble, and when it was

drained without a warning, many people in that town were badly inconvenienced and distressed for several days. That was a case where it was important for Redington Robbins, the Dam Inspector spoken of by the good Senator from Penobscot, Senator Cummings, this was a case where he could be called in, and he has the expertise to inspect dams and to provide information to the people who will be affected.

So appreciating the faults that the bill has, I am asking the Senate to give me a chance to amend the bill so that in a very modest way it can help the people who are property owners in the area in particular, but in many cases the public in general, because the public in general gets a great deal of use of most of these small bodies of water for fishing, boating and recreation, swimming and so on, to help those groups have a chance using the due process of law to remedy a situation that is caused essentially by economic obsolescence.

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

Mr. CYR: Mr. President and Members of the Senate: I appreciate very much the awareness of the good Senator from Knox, Senator Collins. However, as to the thrust of his remarks, I would like to let him know that what he is talking about already exists in the law. This is the bill we passed in 1974 in regards to lack of ownership.

The mechanism that we have is that in case of a dam that you don't know who the owner is, the state will advertise in county papers five times, five different weeks, and one time in a state paper. At the end of that time, the owner or the prospective owner has 60 days to report to the state that they are the owner of that dam. If they do not report in this 60 day period, the dam reverts to the State of Maine, and the State of Maine can dispose of it whichever way they want. They can offer it to the municipality, they can offer it to the littoral owners of that lake, or to any association or to any individual for one dollar. The reason for that is that the State of Maine can give title to that dam without having any financial obligation. So the situation that the good Senator from Knox has just mentioned, you already have on the books the mechanism to take care of that.

This is really what the committee recommended to these lake associations and most of these people that have appeared at these hearings in regards to that: why don't you try to buy the dam or own the dam? Most of the people who have testified at the hearing on this were from this Annabessacook Area, and the dam belongs to the Town of Monmouth. In the testimony we were told that there is 3 million dollars worth of properties around that lake. We also asked how much would it cost to repair that dam, and they said around \$1,200. How much would it cost to replace it with a new dam, and they said between \$8,000 and \$10,000. Particularly for the repairs, you have got a bill for \$1,200 and you have got 3 million dollars worth of property valuation. So to me, I don't believe that they should run to the state, and I would like to bring out again the bad features of this bill and what the implications are that the State of Maine is going to be in.

First of all, if a known owner wants to abandon a dam, he has to petition the commission. The commission is the Soil and Water Commission, which we already have existing. So they have to petition the commission for an authorization to abandon the dam. They have to present to

the commission, or the commission has to determine, first, whether or not there is no longer any beneficial economics to the owner. That would be very easy if they want to abandon the dam. Two, the costs of maintenance of said dam are unreasonable. They have to prove that, and that is very easy. Third, the owner is unable to otherwise dispose of said dam in a manner that will insure continuing compliance with any order.

When this is done, this is what the owner has to do: first of all, before he is authorized he has to offer it to the littoral proprietors. Secondly, he has to offer it to the municipality. Thirdly, if all of this has been done, then it becomes the property of the commission. And I will read you what it says, just the first paragraph: "In the event that no person or municipality petitions for ownership of any such dam, or the commission determines that such petitioners are unsuitable to own or maintain said dam, the owner of such dam may thereafter transfer all his right, title and interest in said dam to the commission." In the first place, they are forcing you to go through this here, but there is no compensation offered anywhere, so you might look at it as confiscation.

"The commission shall thereafter operate" — and I want you to remember this — "The commission shall thereafter operate and maintain said dam in a manner determined by the commission as will be best designed to protect the public health, safety," and so forth. This is where the cost to the State of Maine is going to come in. This year they are only asking for \$11,000 in this bill. There is a \$11,000 fiscal note on it. But at the hearing Mr. Boothby, Manager of this Soil and Water Commission, says that it is nowhere near what it is going to cost them to operate with this piece of legislation. Then, of course, everyone agrees that next year and the years after that you are going to be presented plenty of bills. You are going to have a rash of bills to repair and rebuild dams all over the State of Maine. There are 440 dams involved under this bill. There are 1,100 dams in all in the State of Maine of one nature or another. So figure out what the bill is going to be.

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

Mr. SPEERS: Mr. President and Members of the Senate: The speakers that have preceded me have all indicated that this is, of course, one of the more serious problems and one of the more troublesome problems that the legislatures, this one and prior legislatures, have been able to deal with or have had to deal with. The question of the maintenance of these dams is, of course, of extreme importance, of very great importance to the State of Maine because we have so many lakes and have so many individuals living around the lakes, and of economic importance to the state, the recreational value of these lakes, etc. I don't think we have to really go into the importance of maintaining these particular dams.

The problem, of course, has been and is now of who is going to pay for them. I guess the real problem has been brought home to me very clearly in just recent days because one of the dams in my district is on its last legs and is in very grave danger of going out at any moment, and it is going to mean a very serious consequence to the people that live around that lake and live around the lakes below it. The owner of the

dam, which happens to be one of the towns in my district, simply does not have the funds with which to repair it. And I dare say that probably in every single district in the state that we represent there could well be comparable situations, if not at the very moment, at least in the foreseeable future.

Now, the good Senator from Cumberland, Senator Berry, has said that we have wrestled with this problem in the past and it is a very difficult one and that legislatures in the past have failed to come up with any kind of solution. I am not suggesting that we are going to have the solution which is the only solution that can be arrived at in this session of the legislature, and frankly I haven't had the opportunity really to read down through the entire bill that is being presented. But I do very heartily commend the good Senator from Knox, Senator Collins, for being involved to the point where he has suggested a possible amendment to this bill and a possible program which could be presented that could provide an alternative to the obviously inadequate situation that we have in the State of Maine today, and I would hope that the Senate would not go along with the motion to indefinitely postpone, but would rather accept the minority ought to pass as amended report so that the good Senator from Knox could then offer his amendment next week, and we could take a look at that program to see whether or not it is or can be adaptable to the State of Maine to improve a situation which everyone agrees is completely inadequate and creating very dangerous problems for the citizens of the state.

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

Mr. CYR: Mr. President, to see what the good Senator from Knox, Senator Collins, is going to bring in as far as an amendment, to see whether it is going to be satisfactory or not — if it is not we can always kill it then — I withdraw my motion to indefinitely postpone.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now requests permission to withdraw his motion to indefinitely postpone. Is this the pleasure of the Senate?

It is a vote.

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

Reconsidered Matter

On motion by Mr. Pray of Penobscot, the Senate voted to reconsider its former action whereby on Bill, "An Act to Allow Payment of Unemployment Compensation Benefits During Labor Disputes Caused by Failure of the Employer to Correct Hazardous Working Conditions." (H. P. 825) (L. D. 1008) the Committee of Conference Report was rejected.

Thereupon, on further motion by the same Senator, the Committee of Conference Report was Accepted in concurrence.

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

On motion by Mrs. Cummings of Penobscot,

Recessed until the sound of the bell.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Recessed until 2:30 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, "Ajn Act Relating to the Dredging, Filling or otherwise Altering Coastal Wetlands." (H. P. 590) (L. D. 730)

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

Pending — Motion of Senator Marcotte of York to Reconsider Action whereby Bill was Passed to be Engrossed as Amended.

(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 Amendemnt "A" Thereto (S-270), in non-concurrence)

Mr. Corson of Somerset then moved the pending question.

Thereupon, the Senate voted to reconsider its action whereby this Bill was Passed to be Engrossed.

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

On further motion by the same Senator, the Senate voted to reconsider its action whereby Senate Amendment "A" to Committee Amendment "A" was Adopted and, on subsequent motion by the same Senator, Senate Amendment "A" to Committee Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "B", Filing No. S-308, to Committee Amendment "A" was Read and Adopted.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I move the indefinite postponement of L. D. 730 and all of its accompanying papers, and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: I feel very strongly in the Senate here that there is a movement against many of the environmental laws in the State of Maine, and I think that many of the Senators here are misjudging what the people feel about our environmental laws. I feel most of the people in the State of Maine are proud of the laws that we have. There are some problems, but the problems are not in the laws. The problems are in administering the laws. The problems are in the bureaucracy, and the problems are in the DEP. When people make applications there have been consistent delays time and time again. The DEP is aware of the problems, they are aware of what the mood is in the legislature here, and they have changed their procedures whereby the staff will handle the wetlands application, will handle the great pond

applications, and they will not go to the board, so that they can be handled in a fast manner.

What we are doing in passing this law, L. D. 730, this bill as amended, is that we are transferring authority back to the municipalities to grant permits for the altering of our coastal wetlands. Now, in the amendment, and I would just like to read this statement here, it says, "Nothing in this subchapter shall prohibit the maintenance and repair of any existing structure, installation, facility or landscaping, provided no watercourse is substantially altered." Who is going to make that judgment? The applicant is going to make the judgment on whether he is repairing something or not? There are no guidelines in this amendment. There were no guidelines in the amendment before.

I feel we are making a great mistake here today. The DEP is making an attempt this summer to process these applications fast, and I hope we would reject this amendment and stick by the laws which have been passed by past legislatures. Thank you.

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

Mr. COLLINS: Mr. President and Members of the Senate: Coming from a district where coastal wetlands are of great importance to the economic community in many ways, not only fishermen but people who operate in the recreational industry, tourist industry, and hundreds of people who own shore property along our beautiful coast, I share many of the concerns of the Senator from Penobscot, the chairman of our environmental watchdog committee.

There is one word in particular that distresses me about the pending bill, and that is the word "landscaping". I have had to deal with the Board of Environmental Protection in an adversary relationship a number of times for clients along the coast who wanted to build a wharf or a pier or extend or repair an existing wharf or pier. In the early days of this board — and I think it is fair to call them the days in which they had growing pains and days in which there was a great deal of the learning process — there was a very strong spirit of what I would like to call a doctrinaire spirit. Some of the personalities on the early board were very strong personalities. They made a contribution to the state, and I would be the last to deny that contribution, but in their great zeal they also at times made it unnecessarily difficult for the small businessman or the small landowner to obtain a very simple kind of permit. But I too feel that we should not read too vigorously to that early problem of the board, because I feel that the board now has a better balance than it once had, and that it has recognized many of the errors and weaknesses in its procedures, and I would hope that we could give it a greater period of time to measure up to our expectations.

When you think of the word "landscaping", repair and maintenance of landscaping as applied to wetlands, if you have lived by the shores of the ocean, as I have, you know that every storm alters the landscaping of our beaches and even some of our rocky promontories. Large rocks that you would not be able to move yourself with all the strength of a vigorous man are moved like marbles by the tide and the wind, and this landscaping rearrangement which Mother Nature does

for us from time to time is at times of importance to the future of a wetlands area, particularly areas that are inundated at certain very extreme high tides and apt to cause a marshiness. This marshy area sometimes is the breeding ground for forms of life that sustain other forms of life in the biology cycle, and we must not permit our reaction to go so far that we forget this part of the reason for enacting these laws in the first place.

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

Mr. TROTZKY: Mr. President and Members of the Senate: One other point here on this amendment, because I think this is important as many of us don't have the chance to actually go through all the amendments, and what we are here to do is that we want to see things more efficient, we want to see applications, when applications are put in, that action is taken on them quickly, and that people don't sit around all summer long for two or three months and don't get any action. But what this amendment says, and the amendment before this says, is that the DEP still has review power or veto power over the municipality.

So first the applicant from your constituency goes and applies to the municipality, and they approve him. Then the DEP looks at it. What if the DEP then disapproves? What kind of problems are we going to have then? We are going to have even more problems with people turning against the DEP. And maybe the DEP will be right when they disapprove it. But now you are putting in two organizations, the municipality and the DEP, to review that application, so I think we are going to end up with more problems and more delays than we have had in the past.

All I am asking is to give the DEP a chance this summer to work through with their new administrative procedures. If they fail, and you have problems with your constituents, in the special session I will be the first one to come in and sponsor a bill such as this.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that L. D. 730 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Corson.

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

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I request a roll call please.

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 Senator 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 Aroostook, Senator Cyr.

Mr. CYR: Mr. President, I would like to pair my vote with Senator Cummings. If she were here, she would vote "Yes" on the indefinite postponement, and I would vote "No."

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now requests

leave of the Senate to pair his vote with the Senator from Penobscot, Senator Cummings, who, if she were here, would be voting "Yes" on indefinite postponement, and the Senator from Aroostook, Senator Cyr, would be voting "No". Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that L. D. 730 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 E. Berry, R. Berry, Carbonneau, Collins, Conley, Danton, Gahagan, Greeley, Hichens, Huber, Katz, McNally, Merrill, Pray, Reeves, Speers, Trotzky.

NAYS: Senators Cianchette, Clifford, Corson, Curtis, Graffam, Graham, Jackson, Johnston, Marcotte, Roberts, Thomas.

ABSENT—Senators O'Leary, Wyman.

A roll call was had. 17 Senators having voted in the affirmative, and 11 Senators having voted in negative, with two Senators pairing their votes and two being absent, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Mr. MERRILL: Mr. President, I move that we reconsider our action and I ask the Senate to vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate reconsider its action whereby L.D. 730 was indefinitely postponed.

Mr. Corson of Somerset then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Merrill of Cumberland to Reconsider.

On motion by Mr. Speers of Kennebec, a division was had. 13 having voted in the affirmative, and 16 having voted in the negative, the tabling motion did not prevail.

Thereupon, a viva voce vote being taken, the motion to Reconsider did not prevail.

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 Pray of Penobscot.

Pending — Passage to be Engrossed.

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

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

Senate Amendment "B", Filing No. S-310, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: What the amendment does, first of all, is clear up the skating arenas to which the license would apply; it eliminates roller skating rinks and makes it apply merely to ice rinks. It puts in a food requirement, which was one of the main objections to the bill in

the debate previously. And a further thing it does, since these recreation facilities are new, and since the philosophy behind this bill is that we are attempting to conform the liquor laws to the realities, it has a limited effective date so the legislature is forced to take another look at this law and how it works, with the Bureau of Alcoholic Beverages being required to report to the legislature the way the law has been carried out so the legislature can make a determination at a future time as to whether this kind of licensing works or not. I think that this does take care of most of the objections, and I hope that we could adopt the amendment and move this on. Thank you, Mr. President.

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

Thereupon, Senate Amendment "B" 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 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.)

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

Mr. CURTIS: Mr. President, I am going to try to offer two amendments here this afternoon. The first one is an amendment to the Committee Amendment which has been adopted. I don't believe it is very controversial. The second one is controversial and it is an amendment to the bill. But in order for me to achieve the first purpose, it is necessary for me to request suspension of the rules for the purpose of reconsideration.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves the rules be suspended and that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate?

It is a vote.

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

Senate Amendment "A", Filing No. S-311, to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Mr. CURTIS: Mr. President, if I may please, because this is an extremely important matter to a number of my constituents and all of the people who work for the University, I think it is appropriate that this be explained.

This amendment that is now under consideration would remove a sentence from the Committee Amendment, which sentence reads: "The Governor may designate a representative who may attend all negotiations." Because the officials at the University and apparently most of the groups or all of the groups that might possibly be the bargaining agents, if collective bargaining were approved, think it is unwise to try to negotiate in a fishbowl in this kind of arrangement, I don't think there is any objection to accepting the amendment.

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

The motion prevailed.

Thereupon, Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted.

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

Senate Amendment "A", Filing No. S-313, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CURTIS: Mr. President, like I mentioned before, this amendment is a controversial one. It is not supported by either the trustees of the University, or at least the chancellor's office, or any of the groups that I have had an opportunity to talk with which might be potential bargaining agents for the University. It does several important things and I am offering it because, like I said before, this is a crucial matter to many of my constituents and many of yours, anybody who works for the University.

The bill, as it now stands without this amendment, provides for systemwide collective bargaining by the units which are listed on the original L. D. 827. That is on page 3 of that bill, if anyone cares to follow along with my reasoning. What the amendment does is identify two of those categories: category A, faculty, and category B, professional administrative staff, and would allow those groups to bargain collectively by a campus unit rather than a systemwide unit, if a majority of the voting members of those two groups so desired. It does one other thing. It provides that unless the majority of the members of those two units vote to have collective bargaining on that campus that the campus would not be forced into collective bargaining if only a minority decided they wanted to join the systemwide collective bargaining arrangement.

Now, the reason it is so important is because we are dealing with two categories of employees who are professional people. At the public hearing, which was extensive, very interesting, and I thought involved thoughtful presentations by everybody who was concerned with this bill, several members of the faculty of the University indicated their concern and their displeasure with having any collective bargaining. I believe they are probably in the minority of the members but, nevertheless, their views were well thought out and very well presented.

The second thing I would like to point out is that there are specific campus identities involved. Now, I speak largely, as you know, as a person who represents employees at the Orono and Bangor campuses. They have special concerns, and I am sure the same would hold true for employees of the other campuses. But the particular concerns in Orono and Bangor identify around the type of job that is done by members of the faculty and by the administrative staff. There is a considerable amount of graduate work that is done in Orono and in Bangor, and there is a considerable amount of research and writing. Because of these special interests, and because there are a very large number of professional employees on the Orono campus, both associated with the University directly and also with the Maine Public Broadcasting Network, I think it is important that these categories

of people be able to determine their own destiny.

I was talking today with Mr. Clyde Folsom, who is the President of the Professional Employees Advisory Council at the University of Maine at Orono, and he said that to their group this amendment was most important. One of the reasons that he gave to me, and I thought it made a great deal of sense, was that at the Orono campus people are identified as professional employees whose counterparts on other campuses are identified as classified employees. That is a substantial difference and, like I said, because of the great importance of this bill to my constituents and to any employee of the University, I think that it is worthwhile that this amendment be given very careful consideration. Thank you.

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

Mr. PRAY: Mr. President and Members of the Senate: I am the co-sponsor of this L. D. before us. I am also on the Labor Committee, which worked on a number of occasions upon this bill. I think the bill is a very good piece of legislation, one that expressed the concerns of the parties involved and that of the Labor Committee. This bill was drafted in conjunction with all the parties, the unions, associations, and the board of trustees. It is an approach to collective bargaining which I think should remain intact as it came out of committee.

This bill takes into account the units and it takes into account that they could be modified in the future, but on a systemwide basis. I think the statement of fact was clearly defined when sponsored by both the good Senator from Penobscot, Senator Curtis, and myself that it be on a systemwide basis, and I think that is definitely how the committee ran it out, feeling that everything should stay on a systemwide basis.

The action of the legislature in the past has kind of established the fact that the University system should be systemwide and remain intact as systemwide units now.

I believe that what we are doing by opening this up with the amendment that has been offered is going to involve a hardship on collective bargaining and almost kill the bill. It will kill the bill, it will kill the purpose of the bill. Basically we have five units, and the amendment will take two of those units out, the faculty and the professional administrative staff, and what we will be doing there is first of all, you will have four units which will bargain systemwide, and then you will have the campuses, Portland-Gorham, Farmington, Machias, Presque Isle, Fort Kent, and Orono with two units arguing or collective bargaining for a campus to campus right for a particular need. What we will do, we will be breaking down the campuses as one campus having pay different than another, working conditions will be better than the other.

I think the intent of the legislature in the past was to take the University system and make it a statewide system. We have right now 3,800 University of Maine employees which are the only group of employees in the state that do not have collective bargaining at this time. And I think in the best interest of good legislation, and in the best interest of this particular L. D., that we should turn down the amendment offered by the Senator from Penobscot, Senator Curtis, and I thus move for indefinite postponement.

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

Mr. BERRY: Mr. President and Members of the Senate: I rise in opposition to the amendment as offered. The basic reason for it is that I believe this amendment is unworkable at its worst, and I think at the least it is a divisive tool which would only serve to cause intercampus friction, and all the bad influence that goes along with whipsawing at the bargaining table.

The state employee bargaining law was designed to allow for bargaining for the least number of units possible to share a community interest. Anyone can make a case for a hundred or so job classifications, each as a single unit, but reason has prevailed and currently the state has been talking of five to seven classifications. It is a reasonable and a manageable number.

I would like to make an example, if I may, and we all know that these things carry from one bargaining unit to another. To break it down a little bit, for an example, if this should carry over into a municipal bargaining situation between schools, all the teachers in the City of Auburn, for instance, are in one unit. But let's apply the intent of this amendment to my situation in Auburn. Then the teachers at Walton Junior High School, Webster Junior High School, Edward Little High School, and six elementary schools would and could have its own unit and each have its own contract. It would mean a full-time committee which would have to bargain with these people and it would be a full session committee with just getting the contracts out. Division among facilities would make up a citywide approach, and it would be impossible for us to go along with the programs or even to arrange full-time programs.

I think if we are going to go with this type of bargaining — and I do endorse the collective bargaining for the University of Maine — I think we should keep it on a system basis.

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

Mr. KATZ: Mr. President, I have found that my constituents are not bashful about writing to me, and I suppose you share that distinction with me. My mail this session has run about as heavy as any session I have been here. We have had some good issues. I am going to ask the members of the Senate today how many letters have you gotten on collective bargaining for the University? How many phone calls? How many people have stopped in to see you at work? How many people have struck up a conversation with you on the street? I tell you that I am very closely associated in lots of people's minds with the University of Maine in Augusta. I feel very close to the campus. Not one employee of the University of Maine in Augusta has approached me to speak to me, not one phone call, not one faculty member, not one.

Whose bill is this? I suggest to you it is the bill of the Maine Teachers Association and others who wish to organize the University of Maine.

I don't know what has happened to you on this bill, but I want you to ask yourself how forceful has been the demand for this bill among your constituents.

Mr. President, I am going to move for the indefinite postponement of this bill and all its accompanying papers, and I would like to tell you why. Collective bargaining in higher education is a sometimes thing in

the United States. It got off like a skyrocket, and then all of a sudden in some states they found that faculties were turning down collective bargaining. They decided that they were unwilling to give up some certain scholarly benefits that they had earned over the years for the sake of belonging to a union.

Now, at such time as there is clear indication — not from the organizers and not from the small handful of people in the AAUP who want to advance the cause of their organization, or the Maine Teachers Association, or the Maine State Employees Association, or any other — but at such time as there is a demand from the employees involved, I would say that there is a real, real responsibility on the State of Maine to go a little slow on this collective bargaining in the field of higher education.

Now, each of you is going to have to vote on this as rather an important bill, but I ask you to vote based upon the representations you have had from individual employees. And if you have been under specified pressures from individual people within the University system to support collective bargaining, then you have got a clear mandate. But if what you have been hearing is the same as what I have been hearing, a loud, thunderous, crashing silence, there are many people who fear we have passed too much legislation this session already, and I request a roll call.

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

Mr. CURTIS: Mr. President and Members of the Senate: As the sponsor of this bill, I would like to assure you that I have heard a little bit more than a loud, crashing, thunderous silence, and that is largely because I have spent a considerable amount of time in Orono and in Farmington, traveling to those campuses and talking to the people who are there, classified employees, faculty and professionals. And I find that most of the people that I have talked to and the groups, including a rather large classified employees group last week at UMO campus, are interested in the bill and they want to find out more about it. So far, they don't know very much about it, even though I have attempted to explain it in some detail, and I think that its present condition; that is, what is in it now with the Committee Amendment, and of course the one amendment that has been adopted already, and even the one amendment that is pending now, is probably unknown to a vast majority of the people on the campuses.

Now, I am going to vote against the pending motion for one reason, and that is because I think that employees of the University of Maine, just like employees for the State of Maine, ought to have the option, if they so desire, of gathering together and bargaining collectively. Based upon my discussions with the groups, it is not at all clear to me that a majority of any of those organizations, any of those units, will indeed today decide that they want to bargain collectively. There may be some and there may not be some. There certainly is going to be a very hotly contested issue when the matter goes to a vote, certainly among the two groups that I mentioned initially, the faculty and the professionals and administrators. But I think that the outcome of those initial votes would be unknown to me certainly, but again I would like to explain that I think that the people who are involved ought to have the chance to make that decision.

But what the Senator from Kennebec who spoke previously said I think is true. This bill is the result of an effort by all of the groups who would like to be designated the bargaining agent for the employees of the University. They have gotten together, solved their differences, and worked out a conglomerate bill. The initial bill included the right to strike, which, as with the members of the Labor Committee who were present at the public hearing when I gave my testimony, I found very disadvantageous and undesirable. That right to strike, which of course we do not provide to state employees either, was deleted by the Labor Committee in what I thought was a very wise decision.

The bill itself, however, still represents the conglomerate decision, as I said, of the various groups who would like to be the bargaining agent. It also represents the decision of the board of trustees after, I would suggest, not a great amount of time spent considering the matter, that they favor collective bargaining, and in particular, they certainly favor systemwide collective bargaining; in other words, the opposite of what my amendment proposes. But I hope for the moment that the pending motion does not pass.

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

Mr. PRAY: Mr. President and Members of the Senate: If we voted on each issue according to the number of people who contacted us and voted against any bill on which nobody contacted us, we would have definitely eliminated an awful lot of legislation.

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

Mr. McNALLY: Mr. President, I have been digging around my desk because I do happen to have three letters from different professors from two different branches of the University, and they are not interested in any way, shape or manner in joining a union. And one person whom I know very well has probably lobbied me more than anybody else orally.

They kind of consider themselves professional men. They think of themselves like a doctor thinks of himself, like a lawyer thinks of himself, and they aren't looking at a union the same way that the laborer looks at a union.

Now, I made the statement in the committee before Labor that I could see no reason why the laborers of the University of Maine should ever get another raw deal like they got when we gave raises to the employees of the State of Maine and they were cut out of it, and the chancellor came back in here and asked for another \$300,000 so they could have a raise because they had given all the money to the professors. I said that I would certainly sign the bill out ought not to pass if the professors were not eliminated from it, because the only flak that I had had against it was the professors that had contacted me that didn't care to join and considered themselves as professional men.

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

Mr. MERRILL: Mr. President and Members of the Senate: I, like some of the speakers that have spoken before, represent a University community, and I have some misgivings, I must admit, about the idea of collective bargaining for University of Maine employees. But it is my understanding, and I may be corrected

in this, but it is my understanding over the last couple of years that a subcommittee of the board of trustees has been looking into collective bargaining, and that what is before us today is, at least in part, the product of those endeavors.

If I am not mistaken, I know some of the people who served on that subcommittee, and I think that they are satisfied that a reasonable compromise and program has been worked out, and for that reason I would at least urge the Senate to keep this bill alive, let it go further through the process. It will be back here for enactment, and I think at that time we can make a final determination of whether or not we want to accept this idea. But there is obviously a lot of work that has been put into this by some individuals and it is, I think, wanted — I know it is wanted by some because I have been spoken to by some of the people who work and teach at the University that I represent in the City of Portland, a branch of the University, so I would urge the Senate to vote against the motion to indefinitely postpone at this time, and avail ourselves of the opportunity to become more educated in this matter as this bill moves through the process.

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

Mr. ROBERTS: Mr. President, I would simply like to say that you are representing here the largest group in the education field in the state that are not allowed collective bargaining. We did have a hearing, we held it in the civic center. We didn't fill the civic center, but we had considerably in excess of 100 people present, all of which were for it, with the exception of a small group of faculty who felt that they should have their own unit and not be part of a larger group, and I have since heard from them to that effect. We haven't been swamped with mail, or at least I haven't, although I have had some letters on this.

The committee, as was said earlier here, was definitely not in favor to a man of a provision for strike, and that provision has been eliminated from the bill. The committee has worked hard on the bill, especially one member of the committee who is also a member of the University, and as a result we feel we have a fair bill.

Now, it did bother us a lot that we have a University of Maine campus that is much bigger than all the other campuses put together, and you have got a proposition that if you are not careful — or at least the committee felt if you are not careful, that it would be the situation where the tail wagged the dog. As a result, we felt that the only fair way to treat them would be to treat them on a systemwide basis, which is the way this bill does, and to break them down into categories. Obviously, when it comes to bargaining, the situations on the different campuses can be recognized and that can be dealt with in the contracts that are eventually worked out.

I feel that this bill, as Senator Merrill has said, has had a lot of work on it and it should at least have an opportunity to be discussed in both houses and to come back here. I personally do not favor the amendment that has been offered by Senator Curtis, but for the moment the vote before us is to indefinitely postpone it, and I hope the body will vote against it.

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

Mr. BERRY: Mr. President, I have two questions to pose to the Chair, if I may. Could I ask the Secretary please to read

the committee report, and could I ask a second question to a member of that committee, if there was a lot of concern on the bill at the committee hearing.

The PRESIDENT: The Secretary will read the report.

The SECRETARY: The Majority Report of the Committee on Labor, to which was referred the bill entitled "An Act Extending Collective Bargaining Rights to University of Maine Employees" (S. P. 243) (L. D. 827), have had the same under consideration and ask leave to report that the same Ought to Pass as Amended by Committee Amendment "A". Representatives Sprowl, Laffin, Teague, Senator Roberts, Senator Pray, Representatives Tierney, Chonko, Snow, Flanagan and Martin.

The Minority Ought Not to Pass Report was signed by Senator McNally and Representative Tarr.

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

Mr. PRAY: Mr. President and Members of the Senate: To answer the second question which the good Senator from Androscoggin, Senator Berry, had, as the Chairman, Senator Roberts, mentioned, the hearing was held at the civic center and there was a large number of people there. I didn't keep count, but it was in the main auditorium and we filled one whole section of the auditorium on the bill. It was the only bill we heard that day and it took us the whole day to hear it.

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

The Chair recognizes that Senator.

Mr. KATZ: Mr. President, two different members of the Senate have called to my attention the fact that this has not yet been down to the other end of the corridor. I am not sure what advantage there is in additional time for additional study, unless we are going to use the additional time for additional study. But on that basis, with all my reservations about this bill intact, I will withdraw my motion for indefinite postponement at this phase of its passage through the chamber.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now requests leave to withdraw his motion to indefinitely postpone this bill. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the motion of the Senator from Penobscot, Senator Pray, that Senate Amendment "A" to the bill be indefinitely postponed. The Chair will order a division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request a roll call, and I urge the Senate to vote against the adoption of this amendment.

The PRESIDENT: A roll call has been requested. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that Senate Amendment "A" 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.

ROLLCALL

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

NAYS: Senators Curtis, McNally.

ABSENT: Senators Cianchette, Cummings, O'Leary, Wyman.

A roll call was had. 26 Senators having voted in the affirmative, and two Senators having voted in the negative, with four Senators being absent, the motion prevailed.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

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 Graham of Cumberland.

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" and Senate Amendment "A" (S-286), Adopted.)

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

Papers From The House

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

Non-concurrent Matter

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

In the Senate June 5, 1975, Passed to be Engrossed.

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

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

Non-concurrent Matter

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

In the House June 12, 1975, Passed to be Enacted.

In the Senate June 12, 1975, Indefinitely Postponed in non-concurrence.

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

Mr. Speers of Kennebec moved that the Senate Adhere.

Mr. Katz of Kennebec then moved that the Senate Insist and Join in a Committee of Conference.

On motion by Mr. Clifford of Androscoggin, a division was had. 14 having voted in the affirmative, and 12 having voted in the negative, the motion to Insist and Join a Committee of Conference prevailed.

Joint Orders

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

Mt. Ararat High School
Girls Track and Field Team
State Class A Champions

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. 1701)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

State of Maine

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

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

The Edward Little High School
Boys Ski Team Coached by
Don Towle and David Whiting
State Champions

For The Academic Year 1974-75

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1702)

Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Edward Little Baseball Team State Class "A" Baseball Champions for 1975

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1706)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement,

and Exceptional Accomplishment of the Edward Little High School Varsity Girls Softball Team Coached by Robert Harnois Androscoggin Valley Champions for the Academic Year 1974-75

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1707)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

WHEREAS, Maine is fortunate to be the home of 240 Organized Children's Camps; and

WHEREAS, these camps employ over 10,000 seasonal workers and provide recreational and educational opportunities for over 25,000 young persons; and

WHEREAS, these camps pay hundreds of thousands of dollars in local real estate taxes while requiring few municipal services; and

WHEREAS, the existence of these camps protects miles of lake and ocean frontage and tens of thousands of acres of prime land from exploitation and environmental degradation; and

WHEREAS, visitors to these camps number more than 50,000 each summer, bringing over 6,000,000 "Tourism" dollars to Maine's vacationland economy; and

WHEREAS, in recent years a number of camps have been forced to close due to rising property taxes, inflation and their dependence on a short season; and

WHEREAS, it is in the best interests of Maine people to determine methods to foster the conservation, growth and increased usage of these camps; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Business Legislation, to study and determine the present condition of Maine's Organized Children's Camps, including an analysis of the physical resources of the camps, the economic conditions and trends which strongly affect them, and their economic impact on the State; and be it further

ORDERED, that the Committee on Business Legislation shall give special attention to methods of increasing the attendance of Maine children at these camps; to proposals for multi-seasonal camp use, both for recreation and education; to the relationship of educational and recreational training programs of the University of Maine and other Maine colleges to the summer camp industry; to the actions State Government may initiate to increase state awareness, support and assistance in making full use of this unique Maine resource and to methods of encouraging State and Federal Agencies to make wider use of organized camping facilities, programs and personnel to meet a variety of Maine's needs; and be it further

ORDERED, that the committee coordinate with the Division of Economic Opportunity and with the Organized Camping Resources Office, Center for Research and Advanced Study, University

of Maine at Portland-Gorham in carrying out this study; and be it further

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

ORDERED, upon passage, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1705)

Comes from the House, Read and Passed.

Which was Read.

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

WHEREAS, legislation was introduced at the regular session of the 107th Legislature to enable the Department of Health and Welfare to provide free drugs to elderly, disadvantaged Maine citizens; and

WHEREAS, there are serious questions concerning the definition, administration and funds availability for such a program as well as the possibility of extending the State's Medicaid program to cover costs of said program; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Health and Institutional Services, to study the subject matter of "An Act to Enable the Department of Health and Welfare to Conduct a Program to Provide Free Drugs to Elderly, Disadvantaged Maine Citizens," H. P. 1413, L. D. 1683, as introduced at the regular session of the 107th Legislature to determine in light of the foregoing preamble whether the best interests of the State have been served by enactment of such legislation; and be it further

ORDERED, that the Department of Health and Welfare is directed to cooperate with the Committee on Health and Institutional Services in this study; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said department as notice of this directive. (H. P. 1704)

Comes from the House, Read and Passed.

Which was Read.

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

Communications
STATE OF MAINE
Office of the Governor
Augusta, Maine 04330

June 11, 1975

To Honorable Members of the Maine Legislature:

I am pleased to submit the following report entitled "Federal Funds in Maine — Fiscal Year 1974". This summarizes and details the changes that have taken place in the preceding twelve months.

Total federal obligations to Maine in the fiscal year which ended on June 30, 1974 were in excess of \$1,157,000,000. More than \$277,861,000 was in cash payments to Maine's State and Local Governments.

These amounts represent significant increases both in total and per capita receipts. While these dollars have been exceedingly important it is also important in the future to closely scrutinize:

1. Available Federal "seed money dollars" as they relate to potential future liability resulting from start-up programs dumped on the State in the future; and

2. situations in which Federal priorities or bureaucratic approaches are not in accordance with State priorities and/or approaches in the best interests of the State of Maine.

I wish to thank the State Bureau of the Budget for preparing this report and particularly Barbara Hamaluk, the analyst who researched and wrote it.

Respectfully,

Signed:

JAMES B. LONGLEY
Governor

Comes from the House, Read and with accompanying papers Ordered Placed on File.

Which was Read and with accompanying papers Ordered Placed on File.

STATE OF MAINE
One Hundred and Seventh Legislature
Committee on Agriculture

June 12, 1975

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

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

Total Number of bills Received	30
Ought to Pass	6
Ought to Pass as Amended	13
Ought to Pass New Draft	1
Ought Not to Pass	4
Leave to Withdraw	3
Divided Reports	3

Sincerely,

Signed:

WALTER W. HICHENS
Chairman

Which was Read and Ordered Placed on File.

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

June 13, 1975

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

Dear Mr. Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools" (S. P. 476) (L. D. 1609).

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports
House

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Create a Commission to Revise the Statutes Relating to Juveniles,

Including the Statutes Relating to the Juvenile Court." (H. P. 1271) (L. D. 1752)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-732).

The Committee on Judiciary on, Bill, "An Act Amending Laws Relating to Juvenile and Correctional Institutions and Judicial Dispositions." (H. P. 518) (L. D. 647)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-731).

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 Judiciary on, Bill, "An Act to Establish the Uniform Crime Victims Reparations Act." (H. P. 1401) (L. D. 1787)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-730).

Signed:

Signed:

Senator:

CLIFFORD of Androscoggin

Representatives:

McMAHON of Kennebec

HUGHES of Auburn

BENNETT of Caribou

HOBBINS of Saco

HENDERSON of Bangor

PERKINS of So. Portland

MISKAVAGE of Augusta

SPENCER of Standish

GAUTHIER of Sanford

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

Signed:

Sensors:

MERRILL of Cumberland

COLLINS of Knox

Representative:

HEWES of Cape Elizabeth

Come from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A", as Amended by House Amendment "A" Thereto, was Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Provide Maine No-fault Motor Vehicle Insurance." (H. P. 1435) (L. D. 1814)

Reports that the same Ought to Pass in New Draft under New Title: "An Act to Provide Maine No-Fault Motor Vehicle Insurance Reform" (H. P. 1698) (L. D. 1932)

Signed:

Sensors:

THOMAS of Kennebec

REEVES of Kennebec

Representatives:

CLARK of Freeport

CLARK of Freeport

TIERNEY of Durham

PIERCE of Waterville

BYERS of Newcastle

HIGGINS of Scarborough

BOWIE of Gardiner

BOUDREAU of Portland

PEAKES of Dexter

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

Signed:

Senator:

JOHNSTON of Aroostook

Representatives:

DeVANE of Ellsworth

RIDEOUT of Mapleton

Come from the House, the Majority report Read and Accepted and the Bill in New Draft Passed to be Engrossed.

Which reports were Read.

Mr. Thomas of Kennebec moved that the Senate Accept the Majority Ought to Pass in New Draft Report of the Committee.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: This bill is the no-fault bill, and as you know, no-fault has to do with coverage for motor vehicles. This bill, however, excludes motorcycles and snowmobiles and covers only automobiles and trucks.

Now, no-fault coverage takes the place of liability coverage which we presently have in the State of Maine. It is mandatory for all drivers, and what it does is provide for direct payments from an insured's own insurer to the insured for certain economic losses and medical losses. What it also does is restrict the innocent victim's right to sue.

There are many reasons for no-fault, and they are the clogged court system, which is especially true of the urban states; the evidence of some fraud, which has occurred unfortunately in some areas; the high insurance rates which people complain about; and I think the delays that people have who are involved in motor vehicle accidents in receiving money for their injuries, especially for their medical bills and their loss of wages. These are the reasons that are advanced by the proponents of no-fault insurance, and I think those reasons vary, depending on which part of the country that one is located in.

Now, the State of Maine is a non-urban state, and I don't think that we really have a pressing court problem which is caused by automobile tort cases. We have some problems in the courts, and I think most of those problems are caused by the criminal situation and not by the civil side.

I think the only need which we have in Maine now which is at all valid for promoting no-fault is that there are some delays in the payments of what they call first party benefits; that is, your medical bills and your loss of wages.

Now, interestingly enough, Massachusetts, which has no-fault insurance, there was a study made and in Massachusetts, before no-fault was passed, of every 20 accident victims, 10 of those victims immediately contacted an attorney. In Maine the survey showed that one in 20 contacted an attorney. So I think that the situation in Maine, because it is rural and because we do not have the great proliferation of these kinds of cases, is very different than it is in a state such as Massachusetts.

In the 106th Legislature I supported a no-fault insurance bill, and I would continue to support a no-fault insurance bill which provided for speedier payment of first party benefits, which to me is the

only legitimate problem which exists in Maine. But this bill, it seems to me, is a bad bill for two basic reasons.

One is that it is going to result in mandatory duplicate coverage for most of our Maine citizens. A person is going to have to buy this insurance covering his medical losses, even though he may be covered by Blue Cross-Blue Shield or by some other insurance, such as employee type of insurance. The result is going to be that people are going to have to buy and pay for the duplicate coverage.

Secondly, the bill has an arbitrary threshold of \$500 that one has to incur in medical bills before one can bring suit. You give up your right to sue for pain and suffering unless you have medical bills which reach the arbitrary amount of \$500. First of all, I think that is going to encourage some fraud and building up of medical bills, or at the least it is going to encourage some unnecessary medical treatment. Secondly, and I think more importantly, it is by its very nature discriminatory, because it discriminates against the person, especially relevant to the State of Maine, who lives in a rural area. There are marked differences between the urban areas and the rural areas as to costs of medical treatment, and I want to cite you a few examples.

This sheet is a year old, but I think that the amounts still hold true, especially as to percentages. In the City of Portland, a year ago it cost \$62.83 per day for a semi-private room. In Augusta it was \$63 a day. In Bangor it was \$66.33 a day. In Jackman it was \$40 a day. In Eastport, \$35 a day. So that the citizen of Maine who happens to live in the rural area where the medical costs are down, and goes to the hospital for the same injury as the person who lives in the urban area, is going to be denied his or her right to sue to recover for pain and suffering, whereas the person in the urban area is going to have that medical threshold reached a lot sooner, and the urban person is going to be able to sue for pain and suffering, and the rural person is going to be denied that right. That discrimination, it seems to me, is very blatant.

The State of Massachusetts has adopted no-fault. That has resulted in increased insurance premiums and decreased payments to victims of accidents. And Massachusetts was one of the pioneers in the no-fault area. New York likewise has seen a substantial increase in the insurance rates and a substantial decrease in the amount of benefits paid to the New York citizens. The profits of the insurance industries in both of those states has shown a marked increase.

This law has been declared unconstitutional in at least two states for the reasons I think that I have stated, and that is that it is discriminatory and a denial of equal protection, that you are better protected in one part of the state than you are in another, depending on your medical costs.

I think that no-fault should come, I think the Maine Legislature should pass a no-fault bill, but I think it should be a bill that does not end up in duplicate coverage and a bill that does not discriminate, especially in a rural state. For these reasons, Mr. President, I would move that this bill and all its accompanying papers be indefinitely postponed, and I would request a roll call.

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

Mr. COLLINS: Mr. President, about two

and a half years ago I attended a nationwide conference concerning no-fault liability insurance for motor vehicles. At that time only two jurisdictions, Massachusetts and Puerto Rico had any length of experience with that type of law. The two were not at all comparable, and I think that neither one of them was comparable to the State of Maine, but I came away feeling that no-fault insurance was something that would become a part of our future in much the same way that workmen's compensation became a part of our industrial accident picture back in the 20's.

It was my own view at that time, and remains my view, that we should be working toward a no-fault plan but that we do not have to make haste to do so. We are having the wonderful American experience now of seeing how different plans work in different states. I have lost track of the number of states that have tried it; I think it is up to about 13 now, but I may be wrong. But each state has a little different plan, and this experience in various states with different characteristics gives us a chance to observe and measure and see which kind of a plan turns out best, not only for the injured party, whose rights we must protect, but also for the general consumer whose insurance rates are inevitably affected by the type of plan that is adopted. We must remember that in general these plans apply to the personal injury part of damage from vehicle accidents. Very few of them have attempted to get into the property damage aspects, and in some cases the property liability rates have soared, even as personal injury rates went down.

I could, I think on the basis of experience thus far, support a no-fault plan such as the State of Oregon has, and possibly one or two others, although I am not well enough informed about other states' experience, but I am not quite ready to support the plan now before us.

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

Mr. JACKSON: Mr. President and Members of the Senate: This document, L. D. 1932, wasn't printed and wasn't available to the legislature until yesterday morning, and I would wonder, so that every member of the body would have an opportunity to look at it, if someone might table it until Monday.

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

Mr. KATZ: Mr. President, an alternative course of action, because I feel that this Senate really wants to deal with the issue, whether or not we ultimately pass it, an alternative course of action would be to give it its first reading today. Hopefully, we are going to be out of here by the end of the week, so I hope that rather than table or rather than support the motion for indefinite postponement, we defeat the motion, give it its first reading, and then let's take a real, real look at it next week.

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

Mr. MERRILL: Mr. President, I just want to say a couple words, first of all, commending the Senator from Knox, Senator Collins, and the Senator from Androscoggin, Senator Clifford, in what I think has been fairly accurate descriptions of the no-fault problem. I would like to say that I will cast my vote against indefinite

postponement today, even though I have some grave concerns about this bill, and may well not support it after it has had its second reading in this body, unless it is amended a great deal.

There are two major concerns that I have: one, generally with the concept of no-fault, although I am not against it in its entirety, and that is when you make anything mandatory, including insurance, when anything is compulsory and people can't get along without it, or are forced by law to have it, the prices on that commodity always go up much faster than they would otherwise. I think that is the factor that has caused the prices to go up in places like New Hampshire.

The other problem that I have with this bill is that it doesn't provide to make certain that people won't have to have double protection and pay twice for health insurance protection, and I can't support a bill that doesn't protect us from that situation.

But I am going to try to keep this bill alive one more day, and if that does succeed, I will be anxious to see what amendments are offered.

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

Mr. CONLEY: Mr. President, I have been waiting on this bill for a long time to see how the debate was going to run and I have a great deal of respect again for those members of the Judiciary Committee who spoke on this bill.

Not being an attorney, and not really having a complete understanding of the legislation itself, it is my understanding, however, that in the State of Massachusetts, which has adopted a no-fault insurance bill a few years ago, since that time the minimal premium on automobile insurance averages \$700 a year. Again, I think that once you mandate something you start putting it into a different ballpark altogether, and for those reasons I am going to vote for the indefinite postponement of this bill.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Clifford, that this bill and all its accompanying papers be indefinitely postponed. 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 Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: I would just like to make one statement. I am going to be voting in favor of the redraft, and I would hope that every other member in this body would so they could have an opportunity to take a look at the redraft of the bill, and thereby, when it comes to the second reading on Monday, if they are not satisfied with the bill they can defeat it at that time. So, therefore, I would urge everybody to vote against the motion.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Androscoggin, Senator Clifford, that the Senate indefinitely postpone L. D. 1814 and all its accompanying papers. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry, Carbonneau, Clifford, Conley, Cyr, Graffam, Greeley, Hichens, Johnston, McNally, Pray, Speers, Trotzky.

NAYS: Senators Cianchette, Collins, Corson, Curtis, Gahagan, Graham, Huber, Jackson, Katz, Merrill, Reeves, Roberts, Thomas.

ABSENT: Senators R. Berry, Cummings, Danton, Marcotte, O'Leary, Wyman.

A roll call was had. 13 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with six Senators being absent, the motion did not prevail.

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

Enactors

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

An Act to Require the Commissioner of Agriculture to Report Yearly to the Legislature on Methods of Stimulating and Encouraging the Growth and Modernization of Agricultural Enterprises. (S. P. 203) (L. D. 670)

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

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

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

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

An Act Establishing an Office of Advocacy for the Department of Mental Health and Corrections. (H. P. 541) (L. D. 657)

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

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

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

An Act to Facilitate Operation of the Coastal Island Registry and to Establish Criteria for State Title in Coastal Islands. (H. P. 965) (L. D. 1209)

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

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

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

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

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

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

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

An Act Relating to the Procedures for State Valuation. (H. P. 523) (L. D. 640)

(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.

Emergency

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

This being an emergency measure and having received the affirmative votes of 24 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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 Freedom of Subscribers to Hospital, Medical Service or Health Care Plans to Choose a Psychologist to Provide Mental Health Services." (H. P. 1023) (L. D. 1302)

In the Senate June 10, 1975, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-749).

On motion by Mr. Collins of Knox, the Senate voted to Recede.

The same Senator then moved that the Bill and accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: If you care to look at the amendment placed on this by the other body, under Filing No. H-749, and look at the statement of fact, you can see why I am grateful that I have been exonerated in the charge of overexploiting the herring fishery.

The technical objections to this particular bill have now been cured, but the policy question is still with us. The bill in its new posture says Blue Cross shall offer contracts to psychologists. This body has heard me say before that there is a difference between leadership and coercion. I recognize the valuable part that psychologists are playing and can play, and I hope will play in the future of the treatment of personality problems of various kinds, problems that certainly border on the edge of mental illness, if not mental illness itself in a very technical, medical sense, but essentially, we would be telling Blue Cross that they must pay psychologists, and this is the real policy decision as I see it here. So I would simply say that you can lead a horse to water but you cannot make him drink.

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

Mr. KATZ: Mr. President, it was exactly ten years ago in my first session when such a remark was made, and I just wanted to share the response another oldtimer made. He said, "It has been my experience that if you take a horse down to water and tie him down there, sooner or later he will drink."

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

Mr. THOMAS: Mr. President and Members of the Senate: The good Senator from Knox, Senator Collins, was right, the

bill did have constitutional problems, but the constitutional problems have been resolved. This amendment had been cleared by the Attorney General's office and you have a copy on your desks.

As you know, certain objections were raised by the Maine Psychiatric Association to one of the clauses in L.D. 1302. The amendment to this bill satisfies these objections, and the Maine Psychiatric Association had now withdrawn opposition to this bill. This bill is now consistent with the position of the Maine Psychiatric Association regarding the rights of subscribers to be reimbursed for mental health services provided by licensed psychologists. The amendment to L.D. 1302 has been ruled by the Attorney General's office as being constitutional, and there is no conflict with Maine statutes.

L. D. 1302, as amended, therefore has the support of the entire mental health system of Maine. It has the unequivocal support of the Commissioner, the Department of Mental Health and Corrections, the Director of the Bureau of Mental Health, all eight community mental health centers, all three state mental health hospitals, hospital administrators, numerous physicians, the clergy, social workers, attorney, the Catholic Dioceses of Maine, and most importantly, it has the support of the consumers who wish to have the freedom to select the mental health practitioner of their choice. This bill will help provide better mental health care to Maine citizens, and I hope that we do not vote for this present motion.

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

Mr. TROTZKY: Mr. President, I would like to ask a question through the Chair of the Senator from Knox. Section 3 of the amendment says "nothing in subsection 2 shall be construed to require a non-profit hospital or medical service organization to provide contract coverage for mental health services." Now, I gather this does not mean that we are coercing Blue Cross-Blue Shield.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, the understanding of this amendment involves really a comprehensive review of the whole bill, and I am not going to try to do that, but mental health services is normally thought of as including the services that psychiatrists would provide. This is saying that the Blue Cross people don't have to offer any mental health services in their contracts, but in section 2 it says that "they shall offer contracts to psychologists licensed by" — and then it gets into the licensing provision for psychologists. This is what cured the defect in the old bill.

The original bill had a lot of words in there that applied to things that only MD's can do, and having tied this into a distinct licensing section as to what psychologists only may do, we have a different thrust as to what kind of contract is being imposed on Blue Cross. The contract that is being imposed on them has to deal with only what the psychologist may do under his licensing scope. And I think that No. 3 was put in just to emphasize that they weren't trying to coerce a contract coverage with psychiatrists.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Knox, Senator Collins; that L. D. 1302 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

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

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

One fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: There is a great need in our state for mental health services and there is a limited number of psychiatrists, and we have provided in this amendment that the services provided by a licensed psychologist trained and having received a doctorate in psychology, specializing in the evaluation and treatment of human behavior. We are talking about competent people here who are capable of providing psychological services to our citizens, and they also have a right to make a living, as well as psychiatrists, and I hope this bill will be passed.

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

Mr. KATZ: Mr. President, I just want to call to the Senate's attention the fact that just three days ago a motion was made to indefinitely postpone this bill. After all the pairing was accomplished, only 10 Senators voted for indefinite postponement, and 17 of us voted against it. I hope the Senate maintains its position and supports this bill and defeats this motion.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion by the Senator from Knox, Senator Collins, that this bill 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 Berry, E.; Berry, R.; Collins, Gahagan, Graffam, Greeley, Huber, Jackson, Johnston, McNally, Pray, Roberts.

NAYS: Senators Carbonneau, Cianchette, Conley, Corson, Curtis, Cyr, Graham, Hichens, Katz, Merrill, Reeves, Speers, Thomas, Trotzky.

ABSENT: Senators Clifford, Cummings, Danton, Marcotte, O'Leary, Wyman.

A roll call was had. 12 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with six Senators being absent, the motion did not prevail.

Thereupon, on motion by Mr. Thomas of Kennebec, the Senate voted to Concur.

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

Mr. CONLEY: Mr. President, I now move reconsideration of this item and I will ask the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby it concurred with the House. 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.

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

June 13, 1975

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

Dear Mr. Secretary:

The House today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act Defining the Warranty of Habitability and Providing Remedies Therefor" (S. P. 272) (L. D. 878).

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

On motion by Mr. Speers of Kennebec,
Adjourned until Monday, June 16, 1975 at
10 o'clock in the morning.