

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, June 17, 1975

Senate called to order by the President.

Prayer by Father Leo LeBlanc, Augusta Mental Health Institute, Augusta:

Let us begin by bowing our heads in prayer and silently placing ourselves in the presence of the Lord.

We ask you, Lord, to bless, guide and strengthen us this day as we gather to do the work of our society. Our lives are not our own, our work is for the people of this state. Help us seek not to do our own thing nor simply to do what is expected of us, but rather to always do what must be done, what you in your indefinite wisdom know is best.

May your will be done and may your kingdom come, either through or in spite of our feeble efforts for the glory of your name and the greater good of all your people, especially for those entrusted to our care, and those in particular who will be most affected by our deliberations and actions this day. We ask this through Him who is and who comes, Jesus Christ our Lord. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

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

In the Senate June 11, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-295), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A", as Amended by House Amendment "A" (H-751) Thereto, in non-concurrence.

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

Non-concurrent Matter

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

In the Senate June 6, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-364), as Amended by Senate Amendment "A" (S-278) Thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "C" (H-760) Thereto, in non-concurrence.

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

Joint Order

WHEREAS, to establish formulae by which the State might equitably distribute state funds for such necessities as education, it is important to have general per capita income information for the municipalities of Maine; and

WHEREAS, the current state personal income tax report form requests a person's legal residence in a confusing manner; now, therefore, be it

ORDERED, the Senate concurring, that the Committee on Taxation is directed to report out a bill revising the personal income tax report form to permit clear identification of the town of residence of the taxpayer. (H. P. 1715)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. KATZ: Mr. President, about ten days ago I sponsored a joint order along the same lines of this joint order. It was passed by both houses, and I am pleased to tell the Senate that the Department of Taxation is already implementing the direction of this. Therefore, this is unnecessary and I move the joint order be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that item 1-3, joint order, H. P. 1715, be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Joint Order

WHEREAS, the State of Maine has urgent need of sufficient electricity to power and heat its factories and homes; and

WHEREAS, in order to preserve Maine's natural beauty and clean air while still protecting the health and safety of her people it is important that the methods used to produce electricity be as nonpolluting as possible; and

WHEREAS, Maine's ample water power provides one method of clean and safe production of electricity in the form of hydroelectric power; and

WHEREAS, it has come to the attention of the Legislature that there are many hydroelectric dams in this State which have fallen into disuse or have been abandoned; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Energy, to determine the number of unused and abandoned hydroelectric dams in this State, to determine the potential in Maine for the production of electrical energy by hydroelectric means, and to determine methods for the restoration of Maine's unused and abandoned dams to full production of electric power; 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 first special session of the Legislature in 1976; and be it further

ORDERED, Upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1716)

Comes from the House, Read and Passed.

Which was Read.

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

Communications
STATE OF MAINE
Executive Department
Augusta, Maine
04330

June 16, 1975

To the Honorable Members of the House of Representatives and the Senate of the

107th
Maine Legislature

A great American, whom I admire, kept a saying on his desk: "The buck stops here." Since this Legislature, after back-and-forth debate, has seen fit to place the key decision regarding the future of a

medical school for Maine in my hands, I accept the consequences of an extremely difficult choice. I am vetoing L. D. 773, An Act to Authorize the University of Maine to Proceed With the Development of a School of Medicine as Part of the Teaching Program of the University System.

I therefore request in the interests of fiscal responsibility and to avoid a recurrence of an L. D. 1994 type situation, as well as to help restore our favorable bond rating, that you sustain this veto.

While I had previously indicated my opposition to a medical school, my respect of the Legislature and my desire to be fair to proponents and the University caused me to step back and spend countless hours of my own time plus that of my staff and volunteer citizens in re-evaluating the total situation. As a result of this time and research, I am electing to veto this bill because of the following specific reasons:

1. The Legislature has passed and sent to the Governor a bill which calls for a substantial present and future commitment of the state's resources to the establishment of a medical school, while failing to appropriate the funds necessary to accomplish this purpose. In other words, the Legislature has not appropriated any money in the current services budget to pay for the school. Approval of this bill could mean a further erosion of already tight operating funds or a future tax increase. Furthermore, this Governor can ill afford the luxury of approving bills which have been submitted to him without an allocation of cost or appropriation by the Legislature. Furthermore as a result of my experience as Governor, I do not want to be unfair to future Governors or Legislatures and approve bills without appropriate costs or price tags. This Legislature and this Governor have paid the price of that approach.

2. The cost estimates presented by proponents of the school are not realistic, and fail to project costs to the State of Maine for adequate faculty, future building and/or capital equipment needs, as well as costs to the state in the event that federal funds are eliminated or cut back. I have a strong feeling that Maine cannot afford in the future another cost estimate mistake such as occurred with L. D. 1994. This also could happen here.

3. There was no conclusive evidence presented which shows that a medical school will solve Maine's doctor shortage in rural areas. It is my understanding that many of the more expert in the medical and health care fields believe that the solution to the doctor shortage in Maine lies in the development of residency programs, and not a medical school. Further, we should in this regard improve our efforts to aid new doctors in overcoming the many difficulties associated with the establishment of practices in rural areas.

4. As Governor, I want to help the University. However, to add an additional burden involving program and finances could severely hinder the University at this time. There is some evidence already that time and dollars spent promoting and lobbying for a medical school have hurt the present University program and budget.

In addition, I have strong reservations about the form of this legislation in that the medical school would come under the jurisdiction of the present Board of Trustees of the University of Maine, which I feel has its hands full getting its own financial house in order.

5. I am also advised that additional spaces are available for our medical students at out-of-state institutions and much lower costs would be possible, utilizing these programs. Statistics also show that 54.2 percent of Maine residents who graduated from the University of Vermont School of Medicine under the Regional Medical Student Program administered by the New England Board of Higher Education, returned to Maine to practice medicine during the years from 1958 to 1973. Our research also indicates that proponents either did not understand, or failed to recognize and report this fact, plus evidence that the University of Vermont and other medical schools will now be able to accept more Maine students. Ironically, and unfortunately, Maine's gain in this regard is Massachusetts' loss as these additional openings reportedly are primarily attributable to that state's financial problems which were caused in part when costs associated with the University of Massachusetts Medical School mushroomed beyond the cost projections promulgated by those who promoted the School. This is because Massachusetts has indicated that due to their financial crisis and cost over-runs on their medical school, they are going to have to use funds to support their medical school as contrasted with supporting students in other medical schools.

Even though I am vetoing this measure, I pledge:

A. To conduct an intensive campaign to attract and retain doctors in Maine.

B. To attempt to locate resources to subsidize doctors and other health care professionals in our rural areas.

C. To proceed immediately with New Hampshire and Vermont to explore the possibility of developing a regional medical school facility and program.

D. To continue efforts already started to get doctors to move to Maine's rural areas from other states. I have already made initial contact with medical schools and the Maine Medical Association in this regard.

E. We should also explore the possibility of asking one of our fine private institutions to develop a medical education program. This would protect the University from further erosion of its undergraduate efforts and also give the taxpayers the advantage of the greater budgetary scrutiny which occurs in the private college sector which contrasts with the tendency of a state university to go to the taxpayers whenever they make a mistake or need more money.

While realizing that many members supported the medical school legislation in good faith, for the above reasons I again respectfully ask that my veto be sustained.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

Which was Read and Ordered Placed on File.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Reconsideration.

STATE OF MAINE
One Hundred and Seventh Legislature
House of Representatives

Office of the Clerk
Augusta, Maine 04330

June 16, 1975

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

Dear Mr. Secretary:

The House voted today to adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Judiciary on Resolution, Proposing an Amendment to the Constitution to Provide a Non-Jury Trial, for Petty Criminal Offenses (H. P. 301) (L. D. 351).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

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

June 16, 1975

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

Dear Mr. Secretary:

House Paper 450, L. D. 557 having been returned by the Governor together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

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

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

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

June 16, 1975

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

Dear Mr. Secretary:

The House today voted to Adhere to its former action whereby it Indefinitely Postponed Bill, "An Act to Provide Alternatives to the Compulsory Attendance Law" (H. P. 858) (L. D. 1079).

The House also voted to Adhere to its action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Taxation on Bill, "An Act Relating to Exemption of the East Auburn Community Unit, Inc., from Property Taxes" (S. P. 482) (L. D. 1613).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

STATE OF MAINE
Office of the Governor

Augusta, Maine
04330

June 13, 1975

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

I disapprove of L. D. 1719, An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission.

Basically, I feel this is anti-consumer legislation. I object to it for the following reasons:

1. Simply this is an indirect method of taxation. Eventually consumers will be called upon to make up such a levy assessed upon utilities.

2. This is a piecemeal approach to operational funding. Proper budgetary planning should ensure that the total operational costs of the PUC should be covered by one appropriation, instead of resorting to another special revenue account.

3. This type of funding approach could set a damaging precedent, in that it reflects a bureaucratic circumvention of normal funding practice.

4. This singles out one agency for special consideration without regard to the over-all priorities and needs of the people of the state.

5. This is not a current problem for the PUC. The Governor and Executive Council already have taken action on PUC funding needs.

6. As Governor, I have committed between now and the Special Session to undertake a thorough cost and efficiency analysis of state government. It is coincidental that even within the present PUC budget of about \$900,000 we might be able to fund any additional consulting fees required for the future. I am asking for the time to try to attain this objective, to the extent it is necessary.

I would appreciate a favorable response to my objections and a sustaining of this veto.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor of Maine
(H. P. 1720)

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

Which was Read and Ordered Placed on File.

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

Comes from the House with the following endorsement:

In the House, June 16, 1975, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

108 voted in favor and 25 against, and accordingly, it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT
Clerk of the House

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

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: This bill came to us in the Committee on Public Utilities and came out with a unanimous Ought to Pass Report. This bill has never been debated on the floor of the Senate, however, I touched on it in the debate on another bill, on the intervenors bill. I had suggested to you at the time that we should kill the intervenors bill and accept this one because this one here seems to make a lot more sense.

Now, this one here would cost the consumer one cent for every \$10 worth of bills. In other words, if your electric bill is \$20 a month, it would cost you a cent and this would generate approximately \$150,000. The purpose of this money is for the Public Utilities Commission to hire experts in the various fields so that the public interest would be properly protected.

As you know, today, for instance, if you have a rate increase case presented to the PUC, the cost to the utility of presenting that is charged on your rate. So the public, the ratepayer, the consumer, is already paying the cost of the utilities to present their case. The people that are presenting these cases for the utilities are usually experts in their field. They are competent, they are qualified, and they are extremely capable. To offset that, to protect the public, to protect the consumer, you equally have to have competent qualified individuals who will represent the public interest on the other side, and it is only natural that the cost should be borne by those that are benefitting by it, which is the consumer. I repeat again, the cost of this bill would be approximately one cent for every \$20 worth of electric bills that you have. For that, you would be buying yourself about \$150,000 worth of expert consultants.

You have to look at the jurisdiction or the authority of the PUC. A lot of people do not understand the function of the Public Utilities Commission. Their function is as a regulatory agency, and by law the utilities, because they are monopolies, are entitled to a fair share of return on their investment. This is what the Public Utilities Commissioners have to judge in a rate case. They have to determine whether or not that utility is getting a fair share on its earnings. For that, they have to have experts to give testimony, to enter that into the testimony, so that they can take that into consideration in their judgment. The Public Utilities Commissioners can only rule on the testimonies that are presented at a public hearing, even though privately they know that possibly some of that information may be distorted or exaggerated or may not be the exact truth; unless it is disproven at the public hearing through testimony, they cannot rule on that. So it is very important, the point I am trying to bring out to you is that it is very important for the public to have expert consultants to present a case for the public, and this is what this bill would do. I intend to vote to override the veto and hope that you will follow the same.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: You might be interested to know that we have had no opposition to this bill. The utility companies felt this was something that was needed in order to help the Public Utilities Commission do the job that it is designed to do. I too am going to vote to override.

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

The Secretary will call the roll.

ROLLCALL

YEAS: Senators Berry, E.; Cianchette, Clifford, Collins, Conley, Cummings, Curtis, Cyr, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Wyman.

NAYS: Senators Berry, R.; Carbonneau, Corson, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Trotzky.

ABSENT: Senator Gahagan.

A roll call was had. 17 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with one Senator being absent, and 17 being less than two-thirds of the membership present, the veto of the Governor was sustained.

Orders

On motion by Mr. Hichens of York, WHEREAS, recent opinions of the United States Supreme Court concerning obscenity have cast serious doubt on the continuing validity of the "local standards" rule enunciated by earlier Supreme Court decisions; and

WHEREAS, there is thus, serious doubt about the constitutionality and validity of Maine's statutes concerning obscenity; and

WHEREAS, the area of state prohibition and regulation of obscene and pornographic materials is an area of importance to this State and especially to her schools; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary of the 107th Legislature is authorized and directed to conduct a comprehensive study of Maine's statutes on obscenity and pornography; and be it further

ORDERED, that the Joint Standing Committee on Judiciary of the 107th Legislature is authorized and directed to report its findings and recommendations together with all necessary implementing legislation to the next special or regular session of the Legislature. (S. P. 582)

Which was Read.

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

Committee Reports

House

Divided Report

The Majority of the Committee on Natural Resources on Bill, "An Act to Allow Municipal Approval of Routine Great Ponds Permits." (H. P. 662) (L. D. 836)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-529).

Signed:

Senator:

O'LEARY of Oxford

Representatives:

DOAK of Rangeley
HUTCHINGS of Lincolnville
CHURCHILL of Orland
McBREAIRTY of Perham
CURRAN of Bangor
HALL of Sangerville
WILFONG of Stow

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

Signed:

Sensors:

TROTZKY of Penobscot
WYMAN of Washington

Representatives:

AULT of Wayne
BLODGETT of Waldoboro
PETERSON of Windham

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-762).

Which reports were Read.

Mr. Trotzky of Penobscot moved that the Senate accept the Minority Ought Not to Pass Report of the Committee, and subsequently Mr. O'Leary of Oxford requested a division.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I would like to speak to my motion and explain this bill. We passed again a bill, L. D. 1206, and I would like to read this to you because we do have a problem. Each of us are responsible to our constituents, and our constituents have been complaining that there are delays in the time it takes to get great pond permits, permits to alter the shoreland and so on of Great Ponds. Now just let me make one statement here. There were hearings by the Natural Resources Committee on the environmental laws, and the public objection to the Great Ponds Act as it stands now was the time delay involved in receiving a permit. But the public did not ask for changes in the law itself; they asked for speedier action. We passed L. D. 1206, and L. D. 1206 states that the Board of Environmental Protection delegates its powers to give permits under the Great Ponds Act to the staff. The DEP went to considerable hearings on this, we have put into law this regulation, and it will speed up the process greatly.

Now, the bill itself, with its amendments and so on that has come from the other body, creates a great deal of problems which is not going to speed up the process. Example, you can go to the municipality or the Board of Environmental Protection.

If the municipality turns you down after a hearing, you can go to the board. If the board turns you down after your hearing, you can go to the municipality. It seems to go backwards and forwards. It is a poorly written bill and it will create nothing but problems.

There was one statement that I heard at hearings which I guess moved me a great deal, and that was when we had the hearing on this. Someone stopped me as I came into the hearing and he said, "Please, Mr. Trotzky, make sure this bill doesn't pass." This man was very familiar with lakes and very familiar with local planning boards and the problems that

they are going to have in trying to administer these great pond permits. They are still going to have to go to the biologists and the experts that the state has, but it is just going to cause more and more delay.

I have received many letters from different lake associations throughout the state, and I would like to read one of them to you quickly. "We believe that L. D. 836, An Act to Allow Municipal Officers to Approve Shoreline Alteration Permits Under the Great Ponds Act, is ill advised on several counts. Last summer's administrative delays in the processing of applications, though understandable, was unfortunate and frustrating to many. However, since then, and since the drafting of L. D. 836, a greatly improved and simplified procedure was worked out in collaboration with the Congress of Lake Associations and staff. This new system, was unanimously approved by the BEP on April 9th and its adoption should prevent the troublesome delays of the past.

"The procedure as outlined in L. D. 836, on the other hand, is involved and cumbersome. Our selectmen are overburdened already, they should not shoulder the additional responsibility of judging shoreline applications. They are not trained to evaluate the biological and ecological factors of shoreline changes. The great ponds of Maine belong to all the people of Maine. Their protection should be of the highest level and uniform" — and again I mention this — "uniform character, and not left to the varying capacities and knowledge of individual town officers." This was from the Pemaquid Watershed Association. I have other ones from lake associations all around throughout the state.

I will mention to you that we do have problems in many of the lakes throughout the state, and that is problem of eutrophication, where we have a lot of organic materials coming in from camps all around the lake which is causing algal blooms and making the lake unusable during the summertime. An example is Lake Annabessacook, which is right near Augusta here. So I hope you will go along with the Ought Not to Pass Report. I feel that permits will be speeded up this summer. The DEP is aware of the problem, and I think they can handle it best at this time.

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

Mr. O'LEARY: Mr. President and Members of the Senate: I don't have much feeling for the House Amendment but the Committee Amendment, as it is, is a good amendment.

I have here a copy of an environmental protection matter, and it seems that this one person wanted to do one thing and he had permission all along the line. Now, this isn't on this one bill. This was with the wetlands bill, but this is the kind of people we are dealing with. This person here made an application for a permit, it was approved by three or four different governing bodies, but without so much as a hearing, without so much as a looksee, it was turned down by a man sitting across her at his desk, just like that.

If you think for one moment that this bill that we passed giving the right to these people on the staff to make these decisions is going to shorten your problems or take care of them, I don't believe it. I believe the municipal officers or your planning boards can do it just as competently as these people can, and it will not ruin your environmental laws, it will not destroy

your lakes and ponds, and I think this committee amendment will do just what the people you represent want.

I don't think the people we have serving these towns are incompetent and I don't think this body is incompetent. I think that we should be looking out for the people that we represent and pass this piece of legislation. Thank you.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I was really quite surprised last weekend to have a call from one of my constituents who I thought would be very much in favor of the passage of this legislation. Instead of that, she said, she felt that to put the responsibility for these decisions on the local selectmen would do more harm than good because they would want to please whoever it was that was asking for permission to do something that might be damaging to the lake or the life in the lake because of coming up for re-election. That could speak rather clearly to this group. She felt that perhaps the good of the lake and the future of the life in the lake would be better protected by someone who was not directly involved in the local political scene. Therefore, she was urging me to vote against this bill.

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

Mr. COLLINS: Mr. President and Members of the Senate: I speak as one who has enjoyed Maine Lakes all my life. I have a little one-room camp where my family and I spend many enjoyable hours in the summer, and I have participated in the efforts of the past few years to save Maine lakes from pollution and the problems of eutrophication.

I recognize the problem that the good Senator from Oxford, Senator O'Leary, has described. I share the concern that he has over it. I noted that in his talk to the Senate just now that he spoke of the merits of Committee Amendment "A", but I would point out that this comes to us without Committee Amendment "A", that portion having been indefinitely postponed in the other body. The other body placed before us a different amendment, a House Amendment, which in my mind somewhat disturbs the posture of the Committee Amendment, but even if we had the Committee Amendment as the principal vehicle, we would still have the problem that Senator Trotzky has described about divided authority.

To give you an example of the problem that would occur on my particular lake, the lake where I visit in the summer is located in three different towns in two different counties. One of the towns has fulltime management of a town manager, planning board, and a regular office. The other two towns do not have a regular office. Their officials in both the selectmen's office and planning boards that they have are busy all day with other work, and especially so in the summertime. Most of these permit questions come up in the summertime and these people are extremely busy with their own matters, and it is not easy for them to keep up with the town's business. As I read the scheduling of hearings and notices and chances for appeal and all, I really do not see how these proposed measures would help to speed up the process, and that is our prime concern.

I am impressed with the change at the DEP. Formerly we had an eight-page

application, which really frightened many people and delayed their preparation of it. Now we have a neat one-page application which is entirely adequate. I picked some up this morning over at the DEP as I came in. And I think we ought to give the DEP this summer to see if with their new procedures they can satisfy the need. If they do not, then I think we should make the drastic change.

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

Mr. MERRILL: Mr. President and Members of the Senate: I rise to say with some lack of certainty, I suppose, in a way, that I am going to support Senator Trotzky from Penobscot in his motion on this. I would like to just explain why and the limits of my support.

It has been said around this legislature and around this state a lot over the last year or two years that we have gone too far in protection of the environment. I think that is a misstatement of how the people who are saying it feel. I think what they are really saying is that some of the agencies we have created to protect the environment have acted in a way that was arbitrary and capricious and not necessary for the improvement of the environment. I think that is what they are saying, because we haven't gone far enough yet in doing things to protect the environment and to save the environment, and the lakes are the most tender part of our environment.

If I may be autobiographical for just a second, eight years ago after my wife and I were married we spent our first summer together in a camp on Lake Cobbosseecontee nearby. And I enjoy swimming very much and I spent a lot of time swimming. Just a few days ago, I spent a night at a camp rented by the Speaker of the House, and in the morning I decided to get up and take a swim before I came down here for the day. I went down to the lake, and over the last eight years that lake has changed to such a degree that I didn't even want to go swimming in it. The lake was polluted, you couldn't see the bottom in two feet of water, there was debris floating around, and it was obvious that the lake was being destroyed by overgrowth of biological matter in the water. That is not the type of thing we want to continue to happen in Maine. It is the type of thing we don't want to continue, and it is the type of thing that we should be very concerned about.

Having said that, however, when the Senator from Oxford, Senator O'Leary, makes reference to the arbitrary acts that have been taken by the Department in the past in the denial of some of these permits, he finds a very sympathetic ear in this Senator. So what I am saying here today is that I think the protection of our environment, and particularly our lakes which are a very tender part of our environment and very important to both the recreation of our own citizens and to our recreation industry, I think it is important enough to give the DEP the summer to see what they will do. This is one Senator that, if I am not convinced that they have taken actions to rectify the arbitrary and capricious manner with which they have dealt with these things in the past and to make certain that there is a fast determination made, I will be the first Senator who will lead the charge to do something about their actions in this regard in the Special Session.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to speak primarily on this subject. I have heard the good Senator from Penobscot, Senator Trotzky, ask several times this session to give the DEP the summer to get its house in order, and I, as one member of the Senate, hope that they would act with all expediency in getting their house in order.

The good Senator from Oxford, Senator O'Leary, has stated that he has great confidence in boards on the municipal and community level, and I would like to speak briefly to that. Recently one of our departments in the City of Portland authorized the construction of a multi-high rise building for the elderly, and although the City Council itself had no jurisdiction within the matter because it was an approval made by an autonomous body of the City of Portland, several of us reacted very negatively to the awarding of such a decision, the location that was spelled out for this particular building. But we had a responsible board of appeals which this body had to go before or the awarding contractor had to go before to get a zone variance, and that variance was rejected by the board of appeals because good common sense was exercised by that body.

I would like to speak to another matter very briefly dealing with the Department of Environmental Protection, that there are certain procedures that the citizens of this state must follow, and I would remind them that there are certain procedures that they must follow. It is my understanding that when a wetlands permit is to be granted that there are several agencies that one must pursue prior to being heard by the Department of Environmental Protection. Last night in the City of Portland on the City Council agenda was such an item of a party down on Peaks Island, I believe it was, who had gone through the normal channels of first going through the Board of Harbor Commissioners, going through the Army Corps of Engineers, and had petitioned the Portland City Council for a public hearing relative to a wetlands permit. It was my understanding that these three things must take place prior to the DEP taking any action on such a request. Prior to the public hearing being held last night in Portland, the DEP had already rejected, already rejected, and denied the wetlands permit to this particular party. Now, I am not upset by the fact that they denied the permit, but what I am saying is that if we have procedures to follow, then I think those procedures should be followed, and I believe that everyone should be given his day in court.

If a wetlands permit is to be granted within the confines of the City of Portland, and a public hearing is to be held in the City of Portland with opportunity for the residents to speak either for or against that permit, I think those citizens should be given that opportunity, and I don't believe that the DEP should exercise its jurisdiction prior to that public hearing. This was done and it was done within the last week, I think it was June 13th or around that date, and yet the Portland City Council met on the 16th of June for a public hearing on this permit. And yet, again under the statutes with the DEP, one has 30 days to appeal the decision made by the DEP.

Now, the good Senator from Oxford, Senator O'Leary, did make mention of the fact of a particular individual, and I think he refers to the same incident that I speak of. But I want to state clearly that they still only have a 30-day right of appeal, and yet the public hearing had not been held in the City of Portland prior to the denial by the Department of Environmental Protection. So I hope they do get their house in order and that we can stop a lot of this nonsense that is going on.

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

Mr. CYR: Mr. President and Members of the Senate: We have heard time and time again that this legislature is trying to chip away at the environmental laws that we have on the books. I think right here we are doing just the opposite.

Two years ago the communities in the State of Maine were advised that they had so much time to approve shoreland zoning or else the State of Maine would come in and do it for us. Now, in my community we took that as the law. We put in the model ordinances, the model program that was suggested by the MMA. We introduced that at the town meeting and it was approved. Under that program, this zoning is supposed to be under the municipalities, under the public officials. They are the ones that have jurisdiction over it. Now, with this right here what you are trying to do, by denying this bill to go through, what you are trying to do is undo what was recommended two years ago to the municipalities and putting that in the hands of the staff.

Well, I am one that is sick and tired of living under laws that have been promulgated by the bureaucracy but have never been legislated by the legislature. It is our own fault, we have abrogated our own authority, our own powers. We are being asked now not only to do it for the bureaucracy but to do it for the staff, and for those reasons I am going to vote against the motion that is presently before us and will vote to pass this bill.

In the statement of fact on this bill, it says that 75 percent, the minor permits, will be handled by the municipalities. When it comes to an important issue, DEP will still have jurisdiction. And I think that is fair. Now, why should we contact Augusta and have a staff member possibly come up to see whether or not we can move a rock in front of our camp. This is exactly where we are heading with this thing.

It is not the idea of chipping away, it is the idea of bringing reality and bringing common sense to these environmental laws. You know, you look at things in a different perspective when you have to pay the bill. And when you are a municipal officer, you are the public official who has to find the money to put into effect some of these regulations, and you look at it from a different standpoint. It is not a question of not cleaning up and it is not a question of protecting our environment and protecting our resources, but it is to do it in such a way that we can live with it and we can afford it. I think this is what is before us today.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I believe the good Senator from Aroostook is confusing two issues. One is the shoreland zoning ordinances, which basically concerns setbacks from the lake, basically concerns minimum size lots, and so on. What we are

talking about here is alteration of shoreline, filling, dredging, making beaches, and so on, and they are two really different issues here.

Mr. PRESIDENT: I would like a roll call on this.

The PRESIDENT: A roll call has been requested. The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I hope while everyone was speaking that everyone took the opportunity to look at H-529 to see what this bill is all about, because this Committee Amendment is really the bill. It addresses itself to permits, it talks about dredging and such, but what this bill is really intended to do is to help clean up these ponds and stop the pollution.

This bill will entitle you, if you have a rock wall, to repair your rock wall without waiting all summer for a permit, and then you won't have your topsoils and such washing into your lakes and ponds.

If you look down through it, the permit granting authority and such is well spelled out, and this was really a compromise with those of the Congress of Lakes Association.

I would like to just tell you that about four weeks ago a person on Rangeley Lake, because the ice had gone out and shifted, it ruined a wooden retainer wall so that a permit had to be obtained. A call was made here to Augusta to that person's representative, and that person's representative went to these people over here in the other building and they got a permit that day, before the hearing is even going to be announced in the paper, before the abutting landowners are going to be informed, or anything else. So I think that by going to the municipal officers we can stop a lot of this stuff from happening, and this is a good bill.

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

Mr. TROTZKY: Mr. President and Members of the Senate: One thing the Senate should be aware of is that a large lake borders on many different communities, and a question in my mind is that if you turned everything back to the municipal officers, are you going to have uniformity in the administration of the laws? I say that is going to be very difficult. You take any of your large lakes, Great Pond in the Belgrades, Sebago Lake, they border on many, many different communities.

Again, you still have the real problem here. What we are trying to do is speed up permits. That is what we are trying to do here. And under the papers that have come to us, we are not going to speed up permits. Again, if after a hearing a municipality denies the permit, the person then goes to the board for appeal. If the board denies the permit, then they go to the municipality. It goes backwards and forwards. So I think the important thing is not to react here on emotional arguments, but to actually see what the bill and its amendments actually do here, and they do not speed up the processing of permits. The board has changed their procedures now, the staff will handle it, and I say let's give the DEP a chance this summer. If they don't handle things properly this summer, and you have constituent complaints, we can come back and put a law into effect next January, a good change in the law.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a

roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate accept the Minority Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLLCALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Clifford, Collins, Conley, Cummings, Curtis, Graham, Greeley, Hichens, Huber, Katz, McNally, Merrill, Pray, Reeves, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Cianchette, Corson, Cyr, Danton, Graffam, Jackson, Johnston, Marcotte, O'Leary, Roberts.

ABSENT: Senator Gahagan.

A roll call was had: 21 Senators having voted in the affirmative, and 10 Senators having voted in the affirmative, with one Senator being absent, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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

Mr. BERRY: Mr. President, having voted on the prevailing side, I move reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee. All those in favor of reconsideration will please say "Yes"; those opposed will say "No".

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

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Regulate the Distribution and Sale of Motor Fuels." (H. P. 735) (L. D. 920)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-726).

Signed:

Senator:

REEVES of Kennebec

Representatives:

HIGGINS of Scarborough

BOUDREAU of Portland

CLARK of Freeport

DEVANE of Ellsworth

PEAKES of Dexter

TIERNEY of Durham

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

Signed:

Senators:

THOMAS of Kennebec

JOHNSTON of Aroostook

Representatives:

BOWIE of Gardiner

RIDEOUT of Mapleton

PIERCE of Waterville

BYERS of Newcastle

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendments "A" (H-764) and "B" (H-766) Thereto.

Which reports were Read.

Mr. Speers of Kennebec moved that the Senate accept the Majority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: I will be very brief in spite of the fact that this is a very important bill. It really is a consumer measure and is introduced for the protection of independent oil retailers, the individuals who run the gas stations in the state, most of them, introduced for their protection as adverse to the problems or the recognition of the major oil companies which are, of course, national and multi-national corporations.

The problem that has arisen and does exist is that the corporations obviously are in a position to dictate terms of contracts to the independent oil dealers. The problems that have given rise to this legislation are that the terms of these contracts are very harsh and are almost unconscionable in their application to the individual businessman who is attempting to operate a business of a retail dealer in the State of Maine.

Now, what is happening in the State of Maine and across the country is that the major oil companies are now finding it very profitable and very advantageous for them to get into the direct marketing of their product, oil, gas, tires, batteries, accessories, etc., whereas this has never really been a profitable activity for them in the past. So what is happening is that they have begun to take over directly their own retail outlets, the gas stations, and operate them not on a lease basis to independent businessmen and individuals, but rather as the owners of these stations operating them by hiring oftentimes former businessmen, independent businessmen, to act as their managers and putting them on salary at a considerably lower price than the independent businessman was making for himself.

This bill is designed in one respect to retard that kind of activity, retard the trend that is developing of the major oil companies taking over their own stations and operating them on their own rather than as particular businesses by independents.

Now, I say that this is a consumer measure because I do think that it is obvious that to have a number of independent businessmen operating their own gas stations in, let's say, a marketing area such as Augusta or any of the other marketing areas around the state, to have twenty independent businessmen competing with each other and operating their own businesses is a far better way to do business than to have all of these stations taken over by the major oil companies and being controlled by New York or Texas or California corporate headquarters.

What the bill does is dictate the kinds of contract that may be operated or that may be promulgated by the major oil companies with the independent businessmen. And I think it is necessary because the oil companies obviously have the power and the ability to dictate whatever terms they may wish regarding these contracts, because if the independent individual who wishes to operate his own gas station does not like the terms of the contract with the oil company, then the oil company just happens to find somebody else with whom

to do the business. And I know that as an attorney I have reviewed some of the contracts that individuals have brought to me to ask for advice, and my advice has been not to sign the contract, that a man would have to be out of his mind to tie himself up in such a way. And yet the individual, if he really does wish to go into this kind of business, really has no choice. And when I have attempted to negotiate some of the terms of the contract to get the oil companies to be a little more reasonable with regard to the various terms in the contract, the response that I have gotten is that these are national contracts, that they are the forms that they use and that the individual will either have to accept that or nothing at all, but they are not going to be changing any of them.

Now, the bill that we have before us at the present time, in its amended form out of the Business Legislation Committee, is a much milder bill, frankly, than was introduced, and I am perfectly willing to support this particular bill, even in its milder form, because I do feel that there are a great many problems that have been created and that do exist in this area, and I think this legislature ought to act to alleviate them in some way. This bill, for example, prohibits provisions in the contracts that are being offered to individual businessmen, contracts which now prohibit any counterclaims being brought against the company should they happen to sue a particular businessman, which now prohibit jury trials in case there is a dispute, a civil dispute between the oil company and the independent businessman. Contracts now do contain provisions that they may not ask for a jury trial, do contain provisions that the independent dealer may not bring a counterclaim against the oil company. The bill would prohibit that kind of clauses in the contracts.

But basically, what the bill is intended to do, and which it does, is provide that the franchise agreements, the agreements between the major oil companies and the individual retail dealer, may not be cancelled except for good cause. And it is unfortunate, but it is happening, that individuals around the State of Maine and in other areas of the country as well are being told flatly, with no real reason being given, that their franchise agreement is being cancelled and that the oil company is taking over their station, that whereas a dealer may have been making \$300 or \$400 a week as an independent dealer, with an independent contract lease-hold agreement with a major oil company, it now becomes profitable for that oil company just to take over the station and offer to this independent dealer a job with the oil company to act as the oil company's manager but at a substantially lower salary than the individual was making when he was running his own business.

That is what is happening around the state and that is what this bill is being designed to protect against. It is simply saying that the agreements that are written between the oil companies and the individual contractors, the individual independent businessmen, will be fair and equitable contracts. And it is needed because all of the weight, all of the clout, is now in the hands of the oil companies because they can dictate whatever terms they may wish to put into these contracts simply because the individual has nowhere else to go, and if he really wants to get into the business of operating a retail gasoline

station, he simply has to accept those terms.

That very basically is the intent of the bill, and I certainly hope that the Senate will go along with accepting the Majority Report of the Committee, the Ought to Pass as Amended Report.

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

Mr. CONLEY: Mr. President and Members of the Senate: This is an opportunity for the Senate to aid both small entrepreneurs and consumers with the same bill, and I want to commend the majority floor leader for his sponsorship of legislation very similar to the bill before us.

At the hearings on this bill, the oil companies denied any move to take over stations in Maine from the independent dealers. But since that hearing at least one major oil company, Gibbs, to be specific, has moved in on at least six major retail outlets in southern Maine. The major companies are especially interested in taking over the high volume stations, which is a tragedy to the dealers who have worked so hard to build up successful business operations.

This bill is a bill of rights for the independent dealers. 14 other states, at least, have similar legislation. The oil companies claim that this bill will enable inefficient dealers to stay on, and that is just not true. Because of the minimum rent provisions which the oil companies require from the dealers, an inefficient dealer is not going to be able to hang on. What we are doing with this bill is protecting the good dealer who is so good that the oil companies want to take over the stations for their very own, such as recently happened in Portland.

I can say that this morning when I first came into my office I had a phone call from a particular dealer in my area who has just recently been requested, in fact yesterday, requested to come over to the oil terminal in South Portland to discuss business with one of the major oil companies. What they decided to do was terminate him as the operator or the lessor of that particular station, and instead were to hire him as the manager of that station and pay him somewhere between \$75 and \$100 less a week than what he had actually been making.

To spell out another specific example, a very good friend of mine had operated a Mobil gas station in the City of Portland, had operated it for a period of about eight years, had built the business up from nothing to a very, very high volume, and after eight years of time the oil company decided that apparently the business was too good for him and not great enough for the company and, therefore, terminated his lease when it came time for renewal.

Now, these things go on and on and on, and I think if you stop and speak with any guys who has been in the business of trying to pump gas, change tires, and the like, that you will find the big oil companies have a large mallet held over their heads ready to drop at their whim.

Now, you may ask how does the consumer fit into this, and I would state clearly that there are six or seven large companies and several large distributors operating in Maine. The hundreds of independent dealers maintain some competitive aspects in the gas station business, and I don't think one has to be too much of an historian or an economist to

know what will happen if the oil companies are able to take over all these stations. Once a handful of companies in a marketing area control the stations, price competition is going to go down the tubes along with the small businessmen who are forced into giving up these stations.

Mr. President and Members of the Senate, I think that this is an ideal situation and I would request that you unanimously support the Ought to Pass Report.

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

Mr. ROBERTS: Mr. President and Members of the Senate: I want to concur with the previous speakers. The situation in my community which I was aware of, since it involved the station nearest my home and where I have been doing my business for the last three years, this station was a new station built about seven years ago, and the operator that they got was one of the better mechanics in the community and, of course, part of the deal was that he would be able to repair cars — they have two bays there and two lifts — and he would repair cars and at the same time would build up the business. He worked seven days a week, he and his family and the help that he had, and he built up a tremendous business. He also had an excellent repair business. He kept my cars running most of the time, and he was doing very well. Now, on Wednesday of last week the station people asked him to come to dinner with them there in Sanford, and advised him that as of the end of the month, which is a little more than two weeks off, that they would be getting him out and from then on that station, which has a tremendous business, would be changed over to a self-service station.

Now, he has spent seven years out of his life working to build this business up, and he is to go out almost without anything other than an adjustment for what supplies of his own he has there, plus a few thousand dollars to compensate him a little bit in the hopes he can find another place. Obviously, when he leaves he is not going to take the business with him because people are used to coming to that station, they are used to buying there, and most of them are going to stay there.

He doesn't have a contract, and I think the reason he doesn't have a contract is what the good Senator from Kennebec, Senator Speers says, that the contracts are so one-sided that the majority of the stations are not operated with a contract, and even if they did, in most cases the contract would provide but very little support for the local station operator. The contracts are certainly the contracts which are drawn by the legal department of these large firms and they are certainly drawn to the advantage of the company.

I certainly hope that this bill will be passed.

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

Mr. COLLINS: Mr. President and Members of the Senate: In my district, people on both sides of this issue have spoken to me, and I requested some figures on the treatment of small filling station operators in Maine.

It is a popular sport these days to attack the major oil companies, and I suggest that that is the theme of the proponents of this bill, but I would like to give you these statistics: 818 service stations in Maine are delivered by major suppliers. Some 1326 are delivered by distributors or jobbers. The good Senator from Cumberland has

spoken about recent events in his own area, and they well may not be covered by these statistics which are now a few weeks old, but when this survey was completed by the Maine Petroleum Association, there were nine stations operated directly by major oil companies, and in the past three years 12 company-operated stations closed and reopened as dealer stations. Only five dealer-operated stations closed and reopened as company operated stations.

I think rather than being an attack on the major oil companies, this bill is really an attack on a great many small businessmen in Maine who are jobbers or distributors. Some of them have their own stations, but more of them deliver to other small businessmen, some of them under leases, some of them under tenancies at will. I think the real question is: are we going to improve things for the consumer by passing this kind of a law which will put a new element of compulsion into business relationships that we have not seen in Maine in this industry before?

It is my position that this would not help the consumer because in whose interest is it to have a good service station? Obviously, it is as much in the interest of the distributor or jobber as anyone else, because he makes his money according to the gasoline and oil sold through that station. And if it is a good station and is well operated, he will do better. So it is in his interest to have a good operator and to keep that operator happy, to keep that operator there and on the job and serving the public.

So this particular piece of legislation, as I see it, would have the effect of helping the less efficient marginal operator to stay in position when the businessman who is the small jobber or distributor has come to the conclusion that he ought to make a change. This is a way of keeping in place the inefficient operator, the man who is probably losing money or marginal and is probably doing so because he is not providing the quality of service that is being provided by the dealer down the street that the distributor or jobber very much wants to keep happy and keep the relationship with.

This extension of time, for example, to sixty days, the sixty-day wait that would be necessary before a change could be made, is it fair to require one type of business relationship to have a sixty-day wait whereas another type may have a thirty-day wait or a seven-day wait in the landlord and tenant relationship? Is it fair to impose upon our traditional landlord and tenant agreements this new compulsory standard?

The good Senator from Kennebec made a pitch about jury trials. I have tried some of these cases. I have tried cases against the major oil companies on behalf of the little guy, and I can tell you that it was no case for a jury to hear because the contractual provisions were much too complicated, and if a jury had been hearing the case, it would most certainly have decided the case on the basis of sympathy and the judge would have been required by law to overrule the jury and grant a new trial. So I submit to you that this bit of jury trial populism is not the answer to a business problem that is being described.

I submit to you that what you would be doing in passing this bill would be to impose new hardships on what is now a viable business in the State of Maine. And you will recall early in the session how I spoke in favor of these business people

with regard to a requirement for putting them under bond to pay their taxes to the State of Maine, when all the rest of us are not required to be under bond although we too owe taxes to the State of Maine.

I do not see the necessity for interfering with this business relationship, and I would ask you to vote against the motion of the good Senator from Kennebec.

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

Mr. SPEERS: Mr. President and Members of the Senate: I am absolutely certain that the good Senator from Knox, Senator Collins, does not have his heart quite behind it when he refers to jury trials as merely populism and no reason for them. I can't imagine that any of us would feel that a fundamental right and a constitutionally protected right — excuse me, on civil matters it is not a constitutionally protected right, but I don't believe that any of us really feel that jury trials are not the just way to determine disputes between individuals with regard to their relationships, whether they be business relationships or criminal relationships, or what have you.

The good Senator from Knox, Senator Collins, mentioned that he is concerned about the protection or welfare of the small businessman in the State of Maine and that that was the reason for which he opposed the bill earlier in the session, and incidentally, which many of us went along with him on opposing. I would simply like to point out to the Senate that it is exactly this concern with the small businessman and the protection of the small businessman with which we are dealing here today and which is the precise reason for this particular bill. It is the businessman's own association, the Retail Dealers Association, which has been behind the need for this bill and has presented the need for this bill, and is the reason that this bill is even before us today. So for the protection of this individual, one individual who wishes to operate his own business, I urge the Senator to go along with the Majority Ought to Pass Report of the Committee.

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

Mr. CONLEY: Mr. President, at a time during the debate by the good Senator from Knox, Senator Collins, my seatmate sort of tapped me on the shoulder and said I am glad to see that you are supporting the small businessman again. He said "I suppose the only reason you are doing it is that you want to see the minimum wage get up to \$4 an hour." Someone else also sent a note back, "In five cent increments."

To be more serious relative to this item, though, I just ask you to consider the guy who has a wife and a family and who has really struggled, and I mean struggled, over a long period of years trying to build up a good business and, like the good Senator from York, Senator Roberts, stated, many times it is six or seven days a week, generally 12 to 14 or 15 hours a day of hard work, and then without any reason whatsoever, other than the fact that the station has become so productive and doing so well, the oil company now feels it is time they moved in and took it over for themselves. I think that is what it boils down to. I think that once a person has engaged in this type of business and has really given his livelihood not only to the station but for the benefits of his family,

and then to have someone in New York or New Jersey, or some other place, decide by a computer that that station should now be in the hands of the company, I don't think that is a fair approach to this, and once again I would ask the Senate to accept the Majority Ought to Pass Report.

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

Mr. MERRILL: Mr. President and Members of the Senate: There has been a great deal of discussion about the franchise, the gas station dealer, and seeing to it that he gets some protection in the contract agreements, really the sort of protection that he would receive in any case if he had the benefit of an attorney and if it was a real arm's length agreement with equal bargaining power. But there is one other aspect to this that I think should promote us to vote for this bill separate from the consideration of this small businessman, which I think is very important.

More and more as we look around at what is happening to our economy we see what is happening is that vertical monopolies are growing. We see more and more business, whether it is in agriculture or in the distribution of petroleum products, are controlling the complete line of their products from the time that it is taken out of the ground until the time that it is sold to the consumer. If this trend continues, we will all pay a very high price. When any business controls the market from beginning to end, the forces of the free marketplace which make the system work are gone. It is happening in agriculture all over the nation right now. If the present trends continue, the independent farmer will be a thing of the past, an anachronism, something to talk about with nostalgia fifty years from now. And the same thing is going to happen with independent franchises in this gas station situation.

Now, what price do we pay when we have Gulf Oil own all the stations, as well as the distribution, as well as taking it out of the ground, as well as a few of the sheiks that help take it out of the ground? We pay the price of having them set the price for the product all the way down the line, and the ability for independents to enter into the process is lost. That is why it is important that we vote for this bill, as well as the importance of the consideration and the concern for the independent businessman who is in here today asking us to give him some protection in these contracts. We should do it for that reason and we should do it for the reason of protecting the general public and the economy from the further growth of these vertical monopolies.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I too would like to urge the support of the members of the Senate for the bill. I think that as a class of businessmen in the State of Maine, that all of us realize very keenly that the service station operator is the fellow who generally has the hardest work to do and gets the least amount of profit out of the sale of our petroleum products. I think the distributors in this state can look out for themselves, be they private distributors or part of the vertical integration system that Senator Merrill refers to.

Elaborating a little bit on his theme, I

ask you where are the highest prices you pay for gasoline in the state? They are in the company-operated stations. The little chap has been put upon for years by the big operator, by the big oil companies, through being forced to carry a large inventory, being forced to indulge in sales gimmicks, all of which cost him money. And you will recall that a year ago in desperation the retail dealers got together and came to the legislature pleading for help. So I would hope that we could make a start and give these people some assistance.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee. Is this the pleasure of the Senate?

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

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

Mr. SPEERS: Mr. President, it is my intention to ask for a motion to suspend the rules and give the bill its second reading at this time, and then if there are amendments that may be discussed or wish to be discussed, that the matter be tabled until later in the day's session. It would be my hope that we could do this for several of the bills coming along at this point, since we do wish to adjourn later this week. So I would move that the rules be suspended and the bill be given its second reading at this time.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate suspend the rules in order to give this bill its second reading by title only at this time. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Johnston.

Mr. JOHNSTON: Mr. President, I am not going to object to the motion of the Senator from Kennebec to suspend the rules, but I do have an amendment that I would like to offer to this piece of legislation. So if it could be tabled until later in today's session, I would be happy not to object to his motion to suspend the rules.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending the motion of Mr. Speers of Kennebec to suspend the rules for the purpose of Second Reading.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Clarify the Election Laws." (H. P. 1697) (L. D. 1931)

Reported pursuant to Joint Order (H. P. 136) that the same Ought to Pass.

Signed:

Senators:

CORSON of Somerset
BERRY of Cumberland
O'LEARY of Oxford

Representatives:

KENNEDY of Gray
TALBOT of Portland
MACKEL of Wells
BOUDREAU of Portland
DURGIN of Kittery
BUSTIN of Augusta
BIRT of East Millinocket

The Minority of the same Committee on the same subject matter reported pursuant to Joint Order (H. P. 136) that the same Ought Not to Pass.

Signed:

Representatives:

CALL of Lewiston
SHUTE of Stockton Springs

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendments "C" (H-765) and "D" (H-767).

Which reports were Read.

Thereupon the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. House Amendment "C" was Read and, on motion by Mr. Corson of Somerset, Indefinitely Postponed in non-concurrence. House Amendment "D" was Read and Adopted in concurrence.

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

Mr. CORSON: Mr. President, I would like to move that the rules be suspended to allow this bill to be given its second reading at this time, and I hope someone would table the bill until later in this session pending this motion.

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

Mr. SPEERS: Mr. President, I would be willing to table the bill until later in the day, but I would appreciate the motion to be carried and have the bill actually be given its second reading, and then we could table the bill pending passage to be engrossed.

The PRESIDENT: Is it now the pleasure of the Senate that the rules be suspended and this bill be given its second reading by title only at this time?

The motion prevailed and the Bill was given its Second Reading.

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

Senate

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

Bill, "An Act Increasing the Penalties for Conviction of High and Aggravated Assault and High and Aggravated Assault and Battery." (S. P. 314) (L. D. 1091)

Leave to Withdraw

Mr. Clifford for the Committee on Judiciary on, Bill, "An Act to Require Mandatory Pre-sentence Reports in Juvenile and Felony Prosecutions." (S. P. 264) (L. D. 863)

Reported that the same be granted Leave to Withdraw.

Mr. Merrill for the Committee on Judiciary on, Bill, "An Act to Repeal the Statutory Provision for Expunging Certain Records of Arrest." (S. P. 63) (L. D. 184)

Reported that the same be granted Leave to Withdraw.

Mr. Collins for the Committee on Judiciary on, Bill, "An Act Relating to Nullification of Criminal Records." (S. P. 52) (L. D. 133)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted. Sent down for concurrence.

Ought to Pass

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 584) (L. D. 1937)

Reported pursuant to Joint Order (S. P. 574) that the same Ought to Pass.

Which report was Read.

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

Mr. HUBER: Mr. President and Members of the Senate: Despite the self-explanatory title of this bill, I feel it deserves a few words of explanation.

The Appropriations Committee is pleased to present what we feel is a very carefully considered package of human service legislation made up primarily of on-going programs omitted from the Governor's budget. We are further pleased to be able to present this package with no tax increase.

As I covered last week, the reworking of the Part I Budget increased the estimated surplus available from 3.3 million dollars to 5.5 million dollars. The funding on this bill, \$4,991,000, or roughly 5 million dollars, will leave about one-half million dollars available surplus with no other funding changes.

The Appropriations Committee feels they have thoroughly culled the programs in this package and most are cut back to funding that we feel to be absolutely necessary. I would like to emphasize that we have funded these programs for one year only. We feel that funding these programs for one year will gain time to see what our economy will bring, what revenues will actually accrue to the state, and will also allow us to see what savings can be made in state government under the admittedly tight budget that we presented.

The Governor has repeatedly asked for time to see what economies can be effected and to better pin down costs of some programs on which firm costs are not now available. Using available funds, this package will allow continuation of these vital human services while getting answers to these questions. I feel funding these programs for one year is a responsible approach at this time to get answers to these questions and to better clarify the savings that might be made in the costs of state government.

I would like to emphasize that the total cost of the package is well less than 1 percent of the total state budget. I further think that savings in the costs of state government could very well cover the second year of funding these programs, if on returning in special session it is decided that these programs should be continued. We will be back shortly with a better idea of what savings can be made in state government and what adjustments, if any, should be made not only in these programs but in the Part I Budget itself.

Specifically, this package includes the following:

The major items are the provisions of L. D. 101, An Act Amending the Elderly Householders Tax and Rent Refund Act to Expand Eligibility to Recipients of the SSI Program, which is funded in the amount of \$900,000.

The next major item is the provisions of L. D. 540, An Act Making Supplemental Appropriations for Child Welfare Services, which would increase the payments to foster parents from 60 percent to just short of 80 percent of actual costs. The funding on this is 1 million dollars.

The third major item is L. D. 1768, An Act to Clarify the Priority Social Services Program to Assure Effective Utilization of State and Federal Resources for Human Services, which is funded at \$1,160,000.

Other programs included are the provisions of L. D. 199, which would provide vocational rehabilitation for deaf children. This would provide funds for treatment of cystic fibrosis. It would provide for a statewide correctional improvement program. It would fund the Maine Human Services Council. It would provide funds for payment to residential schools as an alternative to incarceration of juvenile offenders, which is one of the highest priority programs of the Department of Mental Health and Corrections. It would further provide funds for seriously disturbed children in Maine, primarily at the Bancroft North School. It would provide funds for clients in special age groups served by Cerebral Palsy centers. It would provide for the Office of Dental Health. It would provide for Osteopathic student loans, and also provide for programs for retarded individuals in boarding and nursing homes.

This bill would also fund community mental health centers to offset reduced federal grants, appropriate funds for the Pharos House, provide for fire prevention and structural safety improvements at the Military and Naval Children's Home at Bath. It will provide \$300,000 for catastrophic illness, make a supplementary appropriation for Indian education and for one Indian housing authority, and provide additional funds for the Alcohol and Drug Abuse Program. In addition, this package would pay 100 percent of the cost of health insurance for state employees.

I think this is a carefully conceived package, and to summarize, would simply say that this bill provides for the continuation of a careful list of necessary human services with no new taxes required to fund it. It will provide the Governor and the Legislature time to see what economies can be made in state government and time to better establish the cost of programs included in the current services budget. I want to reemphasize that we have funded these programs for one year only, for reconsideration at the time of the special session. I feel that this is a responsible and necessary measure and hope that it is accepted by this body.

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

Thereupon, the Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

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

Thereupon, on further motion by the same Senator, tabled until later in today's session, pending Passage to be Engrossed.

Ought to Pass — As Amended

Mr. Jackson for the Committee on Taxation on, Bill, "An Act to Provide State Relief to Householders for Extraordinary

Property Tax Burdens." (S. P. 481) (L. D. 1671)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-321).

Which report was Read and Accepted and the Bill Read Once, Committee Amendment "A" was Read and Adopted.

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

Mr. KATZ: Mr. President, I think this bill should not go by us without making some comment. I thought surely the sponsor, the Senator from Cumberland, Senator Merrill, might make some comments. This is a circuit breaker tax. It could be one of the more important pieces of legislation to come before this session, if it gets through and if it is enacted and signed into law. I would commend it to your attention sometime before the second reading because it is a direction that many of us have felt the state long since should have gone into.

In effect, it will put some kind of a ceiling on the amount of property taxation that your constituents would be forced to pay. Whenever their property taxation reached a certain percentage of their income, some kind of relief would cut in. In a very real sense, it removes the aggressive feature of property taxation for some people.

One of the real problems, I suspect, that the Appropriations people must run into is that through actions of the legislature and actions of other governmental bodies we manage to take away enough of low income people's personal dollars so that they cannot subsist and we are forced to then create social welfare programs for them. This bill in a very real sense would let them keep a little bit more of their own dollars to support themselves a little bit more effectively. And I want to commend not only the sponsor but the Committee on Taxation for wrestling with a very, very difficult problem.

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

Mr. MERRILL: Mr. President, I would like to just say that I have had a chance to personally discuss this bill with more than half of the Senate and will hope to corner everybody else before we give this bill its second reading to talk personally and make sure that all questions are answered. I agree that it is an important bill.

I would like, and I will so move, that the rules be suspended so as to give this bill its second reading at this time. And if that is the case, then I would ask that the majority leader or another Senator table it until later in today's session.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that under suspension of the rules this bill be given its second reading at this time by title only. Is this the pleasure of the Senate?

The motion prevailed and the Bill was given its Second Reading.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Amending the Definition of Mental Disease and Mental Defect for the Purpose of Criminal Responsibility." (S. P. 167) (L. D. 550)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox

CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

HUGHES of Auburn
HENDERSON of Bangor
BENNETT of Caribou
HOBBS of Saco
PERKINS of South Portland
GAUTHIER of Sanford
SPENCER of Standish

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

Signed:

Representatives:

McMAHON of Kennebunk
MISKAVAGE of Augusta
HEWES of Cape Elizabeth

Which reports were Read.

On motion by Mr. Hichens of York, tabled until later in today's session pending Acceptance of Either Report.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to Contracts of Teachers with Municipalities." (H. P. 1033) (L. D. 1339) have had the same under consideration, and ask leave to report:

that the Senate recede from Passage to be Engrossed; adopt Conference Committee Amendment "A" (S-318), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A"; that the House recede from Passage to be Engrossed; recede from adoption of House Amendment "A" (H-253), as amended by House Amendment "C" (H-300) thereto; recede for adoption of House Amendment "C" to House Amendment "A"; indefinitely postpone House Amendment "C" to House Amendment "A"; indefinitely postpone House Amendment "A"; adopt Conference Committee Amendment "A", submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

On the Part of the Senate:

CONLEY of Cumberland
MERRILL of Cumberland
CORSON of Somerset

On the Part of the House:

CARPENTER of Houlton
INGEGNERI of Bangor
McMAHON of Kennebunk

Which report was Read and Accepted.

Second Readers

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

House

Bill, "An Act Relating to the Income Limitation of the Elderly Household Tax and Rent Refund Act." (H. P. 418) (L. D. 504)

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

House — As Amended

Bill, "An Act Amending the Elderly Household Tax and Rent Refund Act to Expand Eligibility to Recipients of Supplemental Security Income." (H. P. 104) (L. D. 101)

Which was Read a Second Time.

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

Senate

Bill, "An Act to Create the Commission on Governmental Ethics and Election Practices." (S. P. 581) (L. D. 1935)

Which was Read a Second Time.

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

Mr. KATZ: Mr. President, the Senate may recall yesterday I expressed some misgivings about the qualifications of the chairman of this committee and the legal qualifications were rather heavy. I have amended that one sentence out of it and I offer Senate Amendment "A", under Filing S-322, and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "A" to L. D. 1935 and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A", Filing No. S-322, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed. Sent down for concurrence.

Senate — As Amended

Bill, "An Act Revising Lobbyist Disclosure Procedures." (S. P. 150) (L. D. 513)

Which was Read a Second Time.

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

Mr. KATZ: Mr. President, I would like to offer an amendment to this bill and I would like to tell the Senate what I have in mind. The amendment will do several things. In the first place, it will destroy the dedicated revenue concept which is built into this bill and instead make an appropriation right from the general fund. I just have an aversion to being part of any further creation of dedicated revenue in the state.

The other thing it would do is meet a concern in my mind that monthly filing of these reports seems to me to be an extraordinary cumbersome procedure, and in no way attempting to weaken the bill, my amendment nonetheless would make the filing of lobbyists a bimonthly affair.

On that basis, Mr. President, I move that the Senate reconsider its action whereby it adopted Committee Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Katz moves that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

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

Senate Amendment "A", Filing No. S-324, to Committee Amendment "A" was Read and Adopted.

Thereupon, on motion by Mr. Reeves of Kennebec, the Senate voted to Reconsider the Adoption of Senate Amendment "A" to Committee Amendment "A".

Subsequently, the same Senator moved Senate Amendment "A" to Committee Amendment "A" be Indefinitely Postponed.

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

Mr. CURTIS: Mr. President, this bill is the result of some extensive revision which was done in the State Government Committee. The sponsor of the amendment discussed the matter with me previously and I share his concern with the problem of dedicated revenues. I would hope, however, that upon enactment of this bill with the amendment on it we really would be able to find the funding from the general fund to finance the cost that is involved; and if not, I hope the bill could be enacted at a later time without the money. In other words, I don't think it

should die for lack of funding, because it is an expense to the Secretary of State's Office, but it is not that great an expense, and it certainly would be an improvement as a piece of legislation over the present law.

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

Mr. KATZ: Mr. President, I am pure in heart. It seems to me that this bill generates exactly as much money as we hope we are going to be appropriating. In that case, I certainly would hope that the cost would not be any kind of barrier to enactment.

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

Mr. REEVES: Mr. President, this bill, L. D. 513, proposes only to bring the activities and expenditures of lobbying before the public with full and timely disclosure. The people say that special interests control state houses throughout the country, not just here in Maine. A recent Harris Poll indicated that 74 percent of the country believes this. This bill will help to set the record straight. It will help us gain more public confidence.

I think the public has a right to know in this field, and why 30 days a report instead of 60, as proposed by my friend from Kennebec, Senator Katz? Regular reporting every 30 days in this case is for the public; it is not for us. If it incurs a burden on the lobbyists, it is something that they are doing now for their employers, so I don't think it would be an added burden for them. But the public wants to know what happens and when it happens, and I think this is the most important aspect of the bill. There is nothing as uninteresting or as useless as an out-of-date newspaper. This amendment would make the disclosure information as timely as last week's weather report.

As for the appropriation, the State Government Committee, I think, has rightly and correctly estimated that the lobbyists fees will take care of all administrative expenses, so I think it fits in this particular sense.

But it is my feeling that one part of this amendment would put this bill in a wheelchair and the other part would send it to the morgue, so I urge the Senate to turn down this amendment. I don't think it is in the public's interest and I think it really hurts the bill to the point where the public will complain.

I ask for a roll call on this amendment.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President and Members of the Senate: I agree with the Senator from Kennebec, Senator Reeves, that it is of the utmost importance for these financial reports to be timely. If the time goes by and after bills have gone through we learn how much money was spent to support them with persuasion or lobbying; this bill will be of no use. I therefore urge the defeat of this amendment.

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

Mr. KATZ: Mr. President, I guess this is my seventh term here, and my perceptions vary very substantially from the Senator from Kennebec, Senator Reeves. I have never been soiled by my association with members of the Senate or the members of the other house. I have never felt that I am

dealing with men and women who are operating under shadows and clouds. I think that the Maine Senate is reflective of Maine people, and that is pretty darn clean by any standards.

What we are attempting to do is to fit a lobbyist disclosure bill not to any national need but to the needs of Maine people. I do not look upon this legislation as being as timely as today's newspaper so everybody can scurry around and make book on how much is being spent and total up a scorecard on every piece of legislation as it passes through the legislative process, because in my experience there is little or no need for that.

I think what this bill should do is to create even greater sunshine so we will know how all the interests on the third floor are faring.

When I originally sponsored the lobbyists ethics bill, and I will tell you that it wasn't very easy to get through — and thank God, if you will excuse the expression, for Watergate, it didn't hurt things a bit — but it was my feeling that how much you and I were paid on the third floor was public knowledge, how much the bureaucrats were paid for operating on the third floor was public knowledge, and the only portion of the scene up here that wasn't public knowledge was the nature of the expenses and the compensation of the lobby. And that is exactly what I think that lobby disclosure should do. And I would respectfully suggest that those who would try to throw over the state the kind of a meticulous day to day reporting system that presumes that something smelly is going on every hour of the day and night are not being responsive to the specific problems we have up here at all.

I think that the Maine Legislature should not rush, but should proceed with deliberate haste in getting the proper legislation, and in an area as sensitive as this, I do not believe that any one legislator is going to have the God-given wisdom to get the final definitive answer to serve every one of our problems.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Kennebec, Senator Reeves, that the Senate indefinitely postponed Senate Amendment "A" to Committee Amendment "A". 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 ordering 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 Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, just one final brief word on this bill. It is my estimation that something in the neighborhood of 1 million dollars will be spent in lobbying expenses in this session, so we are talking about a considerable activity here. It is not a minor thing. And to get back to my point in bringing up this whole bill in the first place, it is not in any way to question the integrity of the Maine Legislature or the Senate, and I don't think it is appropriate to use the integrity of the Senate as a defense of this amendment.

But let's look ahead to next year when this bill might be in effect. If in fact 60 days instead of 30 days were the reporting schedule, there would be a report at the end of February, the first or second week in March, when very little activity is going

on, and then again in May, and the last two months would not be reported until after the session was over. And this, as we saw in recent weeks as we discussed the banking bill and others, is when a considerable amount of lobbying activity and expenditures go on.

I think the public wants to know this. That is the only point of this bill. It has nothing to do with our integrity, with our activity, with whether or not the lobbyists operate in the shadows, or any of the things that were referred to by my friend from Kennebec, Senator Katz. This is only the public's right to know. And I think when we vote on this amendment with this roll call, that is what we are voting on: does the public have a right to timely disclosure every month, as goes on in most other parts of the country? Thank you, Mr. President.

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

Mr. CONLEY: Mr. President and Members of the Senate: This legislation bothers me, in a sense, and it bothers me because every time I walk in and out through the doors of this chamber I am struck with the thought as to whether or not I am a free man, as to whether or not when I sit in this chair every morning and every afternoon I have the right to express my convictions. I have sat back very patiently through this legislative session and I have tried to offer advice to my good friend, the Senator from Kennebec, Senator Reeves, relative to a lot of routine business that goes on in the legislative halls, and I have discussed the area of legislative lobbyists.

The thing that bothers me — and I don't question at all the integrity, the sincerity, or the honesty of the good Senator from Kennebec, Senator Reeves — but what does disturb me is that a figure such as was just stated of \$1 million dollars is just loosely thrown from the lips and onto the floor of the Senate by that Senator.

Now, I, like the good Senator from Kennebec, Senator Katz, have been around here a number of years, and I can honestly say that at no time has any lobbyist ever approached me in the areas of purchasing me, bribing me, taking me out to a number of luncheons, or giving me a boat or a house or a car or whatever else may come into mind.

I am for open disclosure of the lobby, but I think what one has to analyze and what the public must be made aware of is that we don't set the salaries of the lobbyists. Lobbyists are hired by outside individuals to either promote or to destroy legislation that is before this body. There is no one in either branch, whether it is down at the other end of the hall or here, that would want to remove the lobby from the state house. It has been said over and over again that they play a very valued role in the workings of state government. And I know that over the years that I have been here, on many, many many occasions lobbyists have discussed legislation that I have to vote on, and I have always had the good fortune and the wisdom to sort of keep my mind open, and unless I was absolutely for or against a particular measure I never made a commitment.

But I think that what is being thrown upon the Senate today is sort of the implication of a conspiracy whereby legislators fraternizing with the lobby are out to do this particular bill in. I see no real reason as to why the amendment offered by the good Senator from Kennebec,

Senator Katz, cannot be adopted. I think what the people really want to know is how much money is being spent by those people outside hiring lobbyists, and I think that some members of both houses, the Senate and the House, will be amazed, truly amazed, as to what some of those salaries are. But let's not for one second think that those salaries are going into the pockets of other than the lobbyists themselves. Let's not cast a shadow upon the legislature as though the lobbyist who is receiving \$80,000 or \$100,000 a session is splitting that salary with members of this legislature. That is what is being conveyed to the people of this state, and it bothers me, it disturbs me, because as the good Senator from Kennebec, Senator Katz, has stated, I think we have a large group of clean people, and many of them are serving here at a great expense to themselves and to their families.

The trouble is that because of the fact — and I thank God that Watergate took place — but because Watergate took place, every level of government is being scrutinized, everybody is being subject to the curse of being a crook who serves in public office, and I dislike it. There is no one here in this chamber or no one who has served in this chamber while I have been here that could ever point a finger at me or, to the best of my knowledge, any of my colleagues as being on the take.

What we want is openness in government, and I am 100 percent for it. And if this amendment is adopted, I intend to support this off the Appropriations Table once it gets there. But I want the whole air cleaned, purified, for the citizens of this state relative to the subject of lobbyists and members of this legislature. That is what I would like to hear coming from the lips of the good Senator from Kennebec, Senator Reeves, and I would ask him in all honesty as to whether or not he has himself been subjected — other than the incident which he himself has stated was interpreted to be in jest — to any real serious implication by any member of this lobby?

I want, as I have stated, to see in black and white, which this law will do, recorded with the Secretary of State exactly what is spent by the lobby or what the lobby is being paid by outside interests. Whether it is low income people or whether it is the Bangor Hydroelectric, I think it should be made a public record, but I want the air cleansed and purified, as I have stated, relative to individuals serving in this body or the body at the other end of the hall.

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

Mr. SPEERS: Mr. President and Members of the Senate: I wish to commend the good Senator from Cumberland, Senator Conley, for his comments and I wish to second those comments. The good Senator from Kennebec, Senator Reeves, has stated that the issue before us right at the moment is not the integrity of this Senate or the integrity of the other body or the integrity of the members who serve in either one of these branches, but I would submit, Mr. President, that it is precisely that integrity that has been attacked through innuendo, through implication, continuously from the very beginning of this legislative session right up to a few moments ago, and it is one of the things that has made this particular session one of the most unpleasant sessions, most difficult sessions, I think that any of us have had to go through.

The implications have been made and have been made continuously that there is some kind of relationship between the amount of money that is being spent by the citizens of this state and the businesses of this state to have their representatives here representing them in the hallways, suggesting to the elected representatives of the state various facts and figures, some relationship between the amount of money that is being spent on the lobby and the way in which the elected representatives of the people of this state cast their votes.

I suppose, if you follow that through, a lobbyist who is paid \$5 to come up here and contact the representatives and legislators is really supposedly an ineffective individual, whereas somebody who is paid \$20,000 to be representing a particular interest during the session is somehow an effective individual.

We have heard a lot of figures very loosely and irresponsibly thrown around, and I can't help but be reminded of another very dark hour in American history — and thank goodness, I was a little too young to really comprehend all that was going on — but another dark hour in American history when one individual very loosely and very irresponsibly was throwing around figures of 26 communists in the various departments of state in our American Government, impugning the integrity and character of the entire American Government in the process.

This is a serious business that has occurred in this session, Mr. President, and it goes beyond the character and the integrity of the individuals who have served here during this session. The seriousness of the implications and the innuendoes goes directly to the democratic process of government under which we live, because a democracy cannot stand and will not stand without the faith and the trust of the people in their elected representatives. And that faith and that trust has been attacked and impugned regularly from the beginning of this session, and it is a cancer that I hope and pray can be cut from the body of democracy.

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

Mr. CYR: Mr. President and Members of the Senate: I have had a speech written on this here, on 513, since the end of January, however, 513 has been killed in committee and what we have before us is a milder measure, but a lot of the features of 513 still survive.

One thing we learn after we become a legislator is that there is no such thing as a black or white issue. You can never pass legislation unless you make compromises. In fact, the best definition that I have heard of politics is that politics is the art of compromising. The art suggests that it is a skill. This is what is misconstrued by the public. They think we are selling out their interests when all the time a conscientious legislator will try to decide on what will result in the most good and produce the least harm. Let's face it, sometimes we inadvertently pass legislation that will actually harm a segment of the public. I can name several of these pieces of legislation that we have passed. In fact we have one on the table that we will be discussing later on which is in this category. It is, therefore, our responsibility as legislators to study both sides of an issue and make a careful judgment.

With a workload and the limited time that a part-time legislator has, it is impossible for legislators to do justice to

the task assigned them, so they have to depend oftentimes on information offered by lobbyists. If you are interested in good legislation, you will discuss it with lobbyists on both sides and will reserve judgment until you have all the facts, and then pass judgment according to your convictions, not the dictation of a lobbyist.

As you can see, lobbying is a necessary function in a democracy. The state house lobbyists that I know and have come in contact with over the years have in most part been honest people trying to represent their groups with integrity and sincerity. Those that don't do not survive very long. This bill will not guard against them, but will cause unnecessary controls and expenses to those that are well-meaning. There is an old saying that a locked door only keeps out honest people and not the thieves. This legislation, I am afraid, will only apply to honest people and will only be a challenge to wheeler-dealers.

We already have on the books restrictions for both registered lobbyists and state legislators. Chapter 3, sections 311 through 316, of the Revised Statutes spells it out, and I think that covers it sufficiently.

I question very much if this legislation can be enforced. Certainly it would require extra staff for the Secretary of State. This bill, in my estimation, is an indictment of state legislators. I personally resent the allegation which the public will read in the gift clause, which is totally unfounded and very damaging to the reputation of legislators. I have been here off and on since 1960 and I have never been exposed to graft, I have never been exposed to a gift, and I don't know of any of my colleagues that ever have. The gift clause, which has been reduced from \$100 to \$50 in aggregate, alleges that this practice is already in existence and that this bill will protect the public against such abuse, or at least will limit the amount to what you can legally now accept as being \$50. This clause I resent very much, and I am glad to see that both the majority and minority leaders share my views.

May I remind the sponsor that honesty is like a pregnancy, you either have it or you don't, and certainly for a 50 dollar bill I don't believe that we should tar the reputation of the honest legislators. I realize that the intent of the sponsors was not to tarnish the integrity of their colleagues and the reputation of the state house lobbyists, and I share with them their desire to improve state government, but in my estimation they are looking in the wrong places. They would do well to look into the activities of political pressure groups and special interest groups around the state, not only the state house, but around the state.

When it has reached a point, Mr. President, when a duly elected legislator, or any public official, for that matter, cannot vote his conscience or according to his better judgment without committing political suicide, then I say we have prostituted the system and democracy is in danger, and that is the point that we reach today. Political parties should go back to basics and scrutinize their candidates more closely. If they choose a candidate of integrity, of character or proven ability, with a good track record and proven ability, you won't need this bill or any of this type of legislation.

For those reasons, Mr. President, I move the indefinite postponement of L. D. 513 and all its accompanying papers, and ask for a roll call.

The PRESIDENT: The Chair recognizes

the Senator from Kennebec, Senator Reeves.

Mr. REEVES: Mr. President, I feel I have to respond to some of the earlier remarks, although that wasn't my original intention. This has turned out to be a big day for me. I feel as though if I win on this that the people of the state will win, that they want this information, and that this bill will give it to them.

As to my estimate of the lobbying expenses for this session of some 1 million dollars, this is not based on my imagination. Mr. President and Members of the Senate, but on figures submitted by lobbyists of the special session of the 106th, which was the first time that lobbying expenditures were required by law. The figure for that session was approximately \$6,000 per day, and many, because of the vagaries of the present law, did not report, except to say that under compensation they received legal tender, coin of the realm, regular lawyer's fees, this kind of thing. And, of course, this bill as proposed will fill those loopholes.

But I was sad to hear that the minority leader and then the majority floor leader might possibly support this amendment. I hope that they will reconsider this.

Mr. President, I am a member of the 107th Legislature. I knocked on some 9,000 doors in my district to get here. I am proud to be here. I am not on the take, and I don't know of anyone who is. And I don't think that this is the issue at all. This bill is not my doing, but it is rather my recognition of where my constituents stand on this issue. My people want to see regular disclosure and they have told me so. This bill is for the public, timely disclosure. What is wrong with that? I believe good government is open government, and the more open the better.

And why 60 days instead of 30 days? The sponsor says it is cumbersome, but I really question that kind of logic.

And as far as the comparison with Joe McCarthy goes, that really I think is a hyperbole that is kind of weird, in my opinion. My bill wants information brought out in the open, and that is all I am proposing here. And I am really sorry to see so many people interpret this in such a bad way. I know I haven't always followed the rules in the way I approach things and I know I am a freshman, and I know freshmen maybe shouldn't be quite so forward, but I am 39 years old and I don't feel like a freshman, and I don't know whether my voters will ever send me back here, so I felt I had to do it this time.

So I just want to re-emphasize that when we do vote on this, and now we are voting on the postponement of the whole bill, which is probably more to the point, that what we are voting on is public disclosure and not our own reputations. I feel secure in mine, and I know that the other members of the Senate feel that way about theirs, so let's stick to the issue, public disclosure of lobbying expenditures and activities on a regular basis. Thank you, Mr. President.

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

Mr. CURTIS: Mr. President and Members of the Senate: Since the discussion on this bill now devolves around the question of indefinite postponement of the bill and all its papers, and since the previous debate had been largely on the general area of lobbyist concern in the legislature and legislator reaction, rather than on the amendment that was proposed

by the Senator from Kennebec, Senator Katz, I think it would be appropriate if I take a minute and describe the bill in greater detail. I do this because your State Government Committee has spent a lot of time taking a bill which was, in our opinion, not a very good bill and revising the existing law so that it corrected some problems.

To start from the beginning, the declaration of purpose, rather than being the negative type of indictment, as was suggested — I think that term was used earlier — of the position of lobbyists in the legislative process, what the bill does is put forth the right of every person under the constitution to petition their government for the redress of grievance and to freely express their opinions on legislation and issues. And it goes on and describes the position in which lobbyists fit in that constitutional right. And it reaffirms the opinion of the legislature that the constitution is right, that the people in the State of Maine have a right to delegate to somebody who comes here to represent them the right to represent them here.

The last two paragraphs go on to express the concern that legislative decisions can fully reflect the will of all the people only if the opinions expressed by any citizen are known to all and debated by all. And if the representatives of groups of citizens are identified, and their expenditures and activities are regularly disclosed, therefore, the legislature declares that, in order to insure the full participation of all the people of the state in the legislative process, full disclosure of the identity, expenditures and activities of any persons who engage in professional lobbying is required. Such disclosure will insure the openness and integrity of the legislative process and encourage the expression of the will of all the people of the state. And I would point out to you that we had no guideline to go by in writing this rather positive introduction because every other state which has a bill in this area, which has a law in this area, has taken a more negative approach as a restriction.

The entire bill is located in the amendment, which is Filing S-312. The definitions clean-up some problems that existed in the past, and I will take just one or two and describe them.

The first one regards "Compensation". It means money, service, or anything of value or financial benefit which is received or to be received in return for or in connection with services rendered or to be rendered. Now, the existing law had some problems. I think that almost all lobbyists took care to try to present answers to the questions that were posed to them in the form that they filed with the Secretary of State in a forthright fashion, but in some instances when answering the question of the nature of compensation received by the lobbyist the answer would be legal tender. Now, I would suggest that that is not being forthright in an attempt to answer the question, so we have tried to close that loophole. Again, I would stress that this, in my opinion anyway, was not an excessive misuse of the existing law.

There is a definition under item 5 on page 3 of "Gift", and I won't describe that in greater detail under the definition, but I would like to answer the question posed previously by the Senator from Aroostook at a later time. The important thing that I would like to point out here is that "Gift" would not include any political

contributions otherwise reported to somebody's campaign.

No. 10 is "Media expenditure", and this is a rather all-inclusive item. Again, I will describe that a little bit later.

Now, under the other definitions, and you can read those for yourselves, but under section 313 is a description of those who are required to register and the fees they must pay. First of all, any person accepting employment to act as a lobbyist shall register at the office of the Secretary of State within two business days after the acceptance of such employment, and shall pay a fee of \$10. And he will pay a fee of \$10 for each employer he has if he is lobbying for more than one employer.

Now, the committee wrestled with the question of how much time should be involved, and we finally decided upon this provision: employers will also register. And that is a situation that does not exist in the present law. The employer would register by paying a fee of \$25, but that is a one time only fee, and if he has four or five lobbyists representing him, it is still just the single fee. The purpose of the fee is to provide some compensation so the Secretary of State's Office can run the recordkeeping and handle the bookkeeping.

Certain people are not required to register. Those include public or federal officials who are acting in their official capacity, members of the press who are in a working capacity, representatives of religious organizations under certain circumstances which are described — well, I guess I should read this. "A representative of a recognized religious organization who represents such organization solely for the purpose of protecting the right of the members of such organization to practice a religious belief." Again, we wrestled at some length with that definition and think that this is a definition which will provide a suitable answer.

There is a one year registration provided. The Secretary of State is required to keep a docket and will keep a separate docket each year. After four years the records can be disposed of.

Section 317 provides a summary of activities, those things which would be reported, and I suggest that you take a look at that section. I think you will find that it is a worthwhile item. Included there would be the scope of activity, scope of activity as a lobbyist in terms of approximate hours or days expended and the number of appearances before legislative committees, including identification of the legislation involved. Now, we anticipate a situation in which some of the more active lobbyists would list all of the days of the legislative session, if they are here the entire time.

The statement of expenditures is listed under section 318 and I think it is rather clear.

Now, in answer to the specific suggestion that this bill is really an indictment of legislators because we have included the matter of gifts, I would like to explain what we were trying to do was to find some answer in the statute for the situation in which a legislator obtains any one of a number of inexpensive services provided by a lobbyist and should not have to worry, and neither should the lobbyist have to worry, about reporting that. It could be anything from a ride to another building in the same city to perhaps the tab of a single luncheon. I don't think that any of us want to be so concerned about reporting all

these items that we ought not to have a situation in which those would be exempt, so we used the definition of "Gift" in the \$50 term.

There is a section 319, "Media expenditures", which goes beyond requiring reporting of lobbyists. Anybody who would expend in excess of \$500 for the purpose of promoting or opposing directly or indirectly any legislative matter would have to file with the Secretary of State within 15 days of such expenditure a list of any and all such media expenditures. And this year, I think perhaps for the first time, we have seen some of these expenditures. At least, it is the first time for me. And I think it is worthwhile to consider having some legislation which would require that reporting.

The records would be kept for four years, and I think the rest of the definitions and descriptions would be self-explanatory. I hope the bill doesn't die, partly because we have spent so much time on it, and I think it is a good improvement of the present law.

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

Mr. SPEERS: Mr. President and Members of the Senate: I am sure that there is no member of this body who has interpreted the remarks made by the minority leader or I hope by myself as being in opposition to this particular bill. I think the remarks that were made were addressed to the problems that we have all faced throughout the length of this session with the innuendoes and the implications made regarding the integrity of the bodies and the individual members of these bodies.

I want to commend the good Senator from Penobscot, Senator Curtis, the Chairman of the Committee on State Government, and the members of the Committee on State Government for the very good work that they have done in attempting, and I think successfully, cleaning up what really was a start at lobbyist disclosure, but a start which revealed that there needed to be some of the problems with the bill cleaned up, and I think that this bill does go a long way toward cleaning up some of the problems that have been shown to exist with that particular bill. And I hope the Senate does not go along with the motion to indefinitely postpone but will continue this bill along its way and pass it to be engrossed.

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

Mr. CYR: Mr. President and Members of the Senate: The good Senator from Penobscot, Senator Curtis, has made a very fine explanation of the various features, and particularly has reassured me in regards to that gift restriction. As I mentioned at the beginning, the redraft of the committee was not really very repugnant to me, and for those reasons, I wish to withdraw my motion for indefinite postponement of the bill.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now requests leave of the Senate to withdraw his motion to indefinitely postpone this bill and all accompanying papers. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Reeves, that Senate Amendment "A" 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 pending question before the Senate is the motion by the Senator from Kennebec, Senator Reeves, 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 Collins, Conley, Corson, Cummings, Curtis, Danton, Graham, Hichens, Marcotte, Merrill, Pray, Reeves, Speers.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Cyr, Gahagan, Graffam, Greeley, Huber, Jackson, Johnston, Katz, McNally, O'Leary, Roberts, Thomas, Trozky.

ABSENT: Senator Wyman.

A roll call was had. 13 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

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

Mr. CONLEY: Mr. President and Members of the Senate: I had some difficulty in supporting Senate Amendment "A" because of the fact that it is in two parts, and I would like to have someone move that this amendment be tabled until later on in today's session.

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

Thereupon, on motion by Mr. Danton of York, tabled until later in today's session, pending Adoption of Senate Amendment "A" to Committee Amendment "A".

Enactors

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

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

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

Mr. BERRY: Mr. President, I have a question I would like to get straightened out on L. D. 815, and I wonder if somebody would table this until later in today's session.

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

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

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

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

Mr. GRAHAM: Mr. President and Members of the Senate: It would seem to me that of among the many leading issues during the campaign and up to date that the removal of retail price controls on milk was one of the first ones that many, many people favored. I therefore find it incongruous that this bill has been watered down so that the removal of retail price controls on the bill has been eliminated from the bill. The amendment may be a good amendment and it certainly will improve the situation, but I certainly deplore the fact that what evidently the

public wanted, namely, the elimination of retail price controls, has been eliminated from the bill, and I shall vote against this bill.

The PRESIDENT: The pending question is the enactment of L. D. 267, An Act to Repeal Milk Control Prices at the Retail Level. Is the Senate ready for the question?

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

Emergency

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

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

Emergencies

An Act to Provide for Licensing of Sternmen on Lobster and Crab Fishing Boards. (H. P. 1676) (L. D. 1923)

An Act to Repeal the Lobster and Crab Fishing License Freeze. (H. P. 1141) (L. D. 1237)

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

Mr. BERRY: Mr. President, with reference to L. D. 1923 and L. D. 1237, these acts are contradictory and have been brought along to this stage of the legislative process to see which one would go through, with the preference being given to the repeal of the moratorium on lobster licenses which is provided in L. D. 1237. Accordingly, it would be in order for the Senate to finally enact L. D. 1237, and it would be my hope that somebody would table L. D. 1923 until L. D. 1237 had been signed by the Governor.

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

Thereupon, on motion by Mr. Speers of Kennebec, L. D. 1923 was tabled until later in today's session, pending Enactment.

Emergencies

An Act to Repeal the Lobster and Crab Fishing License Freeze. (H. P. 1141) (L. D. 1237)

An Act to Clarify Certain Provisions in the Education Laws. (S. P. 418) (L. D. 1375)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

On motion by Mrs. Cummings of Penobscot,

Recessed until 4 o'clock this afternoon.

After Recess

Called to order by the President.

Orders of the Day

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

Bill, "An Act to Create a Construction Loan Program in which the Maine Housing Authority and Financial Institutions May Participate." (S. P. 192) (L. D. 660)

Tabled June 16, 1975 by Senator Conley of Cumberland.

Pending — Reconsideration.

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Reconsideration.

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

Bill, "An Act to Provide Maine No-fault Motor Vehicle Insurance Reform." (H. P. 1698) (L. D. 1932)

Tabled — June 16, 1975 by Senator Clifford of Androscoggin.

Pending — Motion of Senator Jackson of Cumberland to Reconsider Action whereby the Bill was Passed to be Engrossed.

(In the House — Passed to be Engrossed.)

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

Whereupon, a viva voce vote being in doubt, a division was had. 23 having voted in the affirmative, and seven having voted in the negative, the motion prevailed.

Mr. Conley of Cumberland then moved that the Senate reconsider its former action whereby Senate Amendment "A" was Indefinitely Postponed, and Mr. Katz of Kennebec subsequently requested a division.

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

Mr. SPEERS: Mr. President, I wonder if the good Senator would refresh my memory and perhaps the memory of others as to what Senate Amendment "A" does do, and perhaps give us the filing number of the Senate Amendment.

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

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I don't have the filing number but I think that could be given by the Secretary. But one of the complaints, I think, against this version of no-fault is that it would end up with required mandatory duplicate coverage, and Senate Amendment "A" would merely allow a person with other coverage to clearly and specifically have that other coverage count to avoid that duplicate coverage, and that is the purpose of Senate Amendment "A".

I think, unfortunately, in yesterday's debate Senate Amendment "A" never had a roll call. I think it was the intent to get a roll call and I think it was not debated extensively, but I think the purpose is to make the bill more flexible so we will get away from the mandatory duplicate coverage presently in the bill. It was postponed and I would hope we could reconsider it to adopt it. Thank you, Mr. President.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate reconsider its action whereby Senate Amendment "A" was indefinitely postponed.

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

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

Mr. Clifford of Androscoggin then

moved that Senate Amendment "A" be Adopted.

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

Mr. KATZ: Mr. President, I have to admit it takes a little while in these late afternoon sessions to orient yourself, but the action that is being proposed here today flies in the face of the Senate's action in rejecting the minority committee report originally. It flies in the face of the action we took in rejecting this amendment once before, and in order for the Senate to maintain its consistency, which is a virtue but not an absolute essential, I would expect that the Senate for the third time will say no to this, that we do not want this course of action.

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

Mr. BERRY: Mr. President and Members of the Senate: I must advise the Senator from Kennebec, Senator Katz, that time marches on and maybe he and I are just not in resonance with events.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Clifford, that the Senate adopt Senate Amendment "A".

The Chair will order a division. Will all those Senators in favor of adopting Senate Amendment "A" please rise in their places until counted.

A division was had. 19 having voted in the affirmative, and nine having voted in the negative, Senate Amendment "A" was Adopted in non-concurrence.

Mr. Trotzky of Penobscot then moved that the Bill and all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: The real question here on no-fault insurance is: are the people in the State of Maine going to save on premiums? In all the questioning I have done, the answer seems to be no. And the only reason I can see why the insurance people want this bill is because they are afraid of a national no-fault bill coming in. But what the citizen is doing is sacrificing the right to go to court justifiably for damages under this bill, so I hope the Senate will go along with the indefinite postponement of this bill.

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. 1932 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

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

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that L. D. 1932 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.; Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Greeley, Jackson, Johnston, Marcotte, McNally, O'Leary, Pray, Speers, Trotzky, Wyman.

NAYS: Senators Berry, R.; Carbonneau, Clanchette, Gahagan, Graffam, Graham, Huber, Katz, Merrill, Roberts.

ABSENT: Senators Hichens, Reeves, Thomas.

A roll call was had. 19 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with three Senators being absent, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Mr. CLIFFORD: Mr. President, having voted on the prevailing side, I move reconsideration and hope you vote against the motion.

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

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

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

Bill, "An Act to Revise An Act Relating to Property Taxation which was Enacted by the 106th Legislature." (H. P. 1664) (L. D. 1917)

Tabled — June 16, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by House Amendment "G" (H-745).)

(In the Senate — House Amendment "G" Adopted in concurrence.)

Mr. McNally of Hancock then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-325, was Read.

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

Mr. MERRILL: Mr. President, I would like to move indefinite postponement of Senate Amendment "B" and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. MERRILL: Mr. President and Members of the Senate: I move indefinite postponement of this amendment not because I think it goes in a direction that is bad but I think that it does nothing, in essence, to the bill except possibly to raise a little confusion where I think it is clear and also, of course, to put it in a situation where it is going to be more difficult to get this into concurrence and pass what I think is one of the most important pieces of legislation in regards to taxation to come through this legislature in this session.

Just let me say very briefly, so that everybody in the Senate can understand, what the Taxation Committee did through long hours of labor in regards to the problem of assessing property in the State of Maine for the purpose of taxation. The

last legislature, the 106th Legislature, passed a law which would make it mandatory for all cities and towns to become part of tax assessment districts or to be a primary tax assessing area themselves by the end of this decade. There was a great deal of upset and uproar about that, particularly from the small towns in the State of Maine. The phrase "Freedom Fighters" has come about in a great part due to the passage of what was in that last legislative session 1977, I think, which was the bill that mandated that all towns go into tax assessment districts.

We had a hearing at which about 500 people were there. Most of them, I suppose, would characterize themselves as "Freedom Fighters", and they were upset. They told us that they were upset not because the state had a legitimate interest in promoting and improving property tax assessment practices in the State of Maine, but because we were mandating the method in which it had to be done. And they said to us if a town, for example, has a person who is very learned in the methods of property tax assessment, and if he can do a good job assessing property for us on the basis of a half day every couple of days, why do you force us to go into some tax assessing district or something of this kind that is going to cost us a lot of money and is going to force us to involve ourselves with other towns, if we can do the quality job that should be done.

We thought that was a perfectly legitimate criticism. At the same time we thought that it was absolutely essential that the state keep up its pressure to improve tax assessment methods in this state. Recognizing that a great deal of our tax that we raise in the State of Maine, overall roughly 50 percent, is raised by the property tax, recognizing the fact that many towns are below 50 percent in terms of the average property tax assessment, representing that the quality of assessment; in other words, looking at the individual piece of property and measuring it versus the other pieces of property in the town, varies up to as much as 50 percent now, we recognized that the state had to do something to keep up this effort towards improving tax assessment techniques.

What we concluded is this, and what this bill says is this, the bill in its present form — and this bill got the support of the majority of the Taxation Committee — what we said is that the state has two legitimate concerns. It has the concern to see that the quality of tax assessing vis-a-vis one property owner and the other gets within a reasonable expectable range, and we said by 1980 that should be 20 percent. If a guy's piece of property is worth \$10,000, you ought to be within 20 percent of that when you assess it, one way or the other. The other thing that we said is that because so much of our effort that we make here in Maine looks to the property tax and what level they are actually taxing at, we ought to try to get people up closer to 100 percent, so we said by 1980 you have got to be up to 70 percent. Those are the two mandates of this bill.

Then what we did is go through all the regulations that the departments had written and through the laws that we had on our books that told the towns how to go about it and, in essence, we repealed most of those. And what we say to the towns now is this: you have got about four methods that you can use to improve your property tax assessing. You can stay as a town by yourself, and you can go about it in any

way that you want to that you think is going to get you there by 1980. You can join in a tax assessment district, if that is what you want to do to promote improvement in property tax in your town. You can apply to be a primary assessing district, and if you meet the standards of the state, you can be a primary assessing district in your town. Or you can join an informal conglomeration of towns that has got together for the purpose of property taxation and improving the assessment methods in the towns. All those methods are available.

There is one other thing that we mandated in this bill. We said that if a town is by itself and is doing property tax assessment by itself, say with the selectmen, which is a practice that goes on today they can have their selectmen, or whomever, do the job and they don't have to get any certification from the state or anything, if they think that they can do it in that way with that part-time help and get themselves to where they have to be by 1980. But that if they decided to go into a tax assessment district, a primary assessing area, or if they decided to hire a person who would be a full-time property tax assessor in that town, a person who is going to make his living assessing property and holding himself out to be a professional in that regard, that then he would have to fall into the certification requirements that the state has set up.

Now, that is the status of this bill vis-a-vis what we have taken away, what we have demanded, and what we have done in terms of these people who are going to be professionals in the area of property tax assessment.

Now, there are several different categorizations of the bill, and I could see how somebody, if they had read the bill briefly, wouldn't be certain in their mind on a first initial reading that we were going to allow the type of flexibility with the non-professional assessor that I talked about where the town is going it on its own where there is a municipal assessing unit separate from a primary assessing district. But the flexibility is there in the law in its present context, it is written very clearly, it is the result of a lot of work by the Taxation Committee and a lot of work by our staff, and a hard worked out compromise that I think, first of all, we can point to with pride because it will improve our tax assessing qualities in this state and, secondly, we can point to with pride because it takes us and moves us back from some of the unnecessary bureaucratic demands that the state made when they passed that other bill. I think from both standpoints, if we pass the bill as it is currently written, we can go back to our constituents on either side of this question and tell them that we have done a good job for them in making a reasonable requirement from the State of Maine.

So I don't think this amendment is necessary. The problem is taken care of in the bill. And if we can put this bill in a position of concurrence and move it on its way, we will have done a lot for the people of Maine in terms of equity in taxation, and we will have done a lot for the people of Maine in terms of taking unnecessary bureaucratic requirements and removing them. I think it is a good bill and I would like to see it passed as it is.

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

Mr. McNALLY: Mr. President, I think

the good Senator from Cumberland for his explanation, and maybe if everybody understood it as well as he gave it, what I am about to say as to why I put the amendment in wouldn't perhaps even been needed.

But shortly after this law was set up to have tax districts and was passed, and certified assessors were proposed, a school to educate those wishing to be assessors was held every Monday night in Ellsworth. It was taught by Leo Martin most of the time, of the State Tax Department, and part of the time by Gordon Emerson, who is also with the State Tax Department, but most of the time it was with Leo Martin. Now, these assessors asked the question about how much is the cost going to be if we go into a district and have a state assessor and so forth, and they were told approximately \$20,000. That was back in the time when you had to have the maps that were specified in the bill.

Now, among them was the present assessor of Osborn Plantation, who retires as Superintendent of Union River Electric Co-op this month but desires to continue as an assessor for Osborn. He gets the magnificent sum of \$50 a year for doing the assessing up there, and Osborn is in the black, and not in the red, from the way that things have been carried on. There were other similar men who are knowledgeable of our local values but desired to learn all the state regulations to become certified assessors. They all feel that their years of experience and the training they have received would make them acceptable at a much lower cost to their communities. They all want to be sure that their community will legally be able to contract with them, and they all have expressed to me their intentions to further their knowledge. With advice from some attorneys, they have asked me to present the following amendment. This amendment permits the communities to hire assessors and be able to remove them if such an event made it necessary. This is simply attempting to follow the policy of home rule.

Since I have been elected from a community with many small towns, and the City of Ellsworth with approximately 5,000 inhabitants the only city, and located in that area where state bureaucracies would have you believe our values are high, a community with only the smallest units of industry for payrolls, belts must be tightened and economical ways must be used to keep the localities in the black. It is a disturbed community, the district that I represent, and anything that I could do that would soothe perhaps the feelings of the people that at this time are not too good, I would like to see it done.

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

Mr. CYR: Mr. President and Members of the Senate: It pains me to have to get up and oppose my seatmate, the good Senator McNALLY. However, I think by the time I get through you will find out that we will be doing him a favor by killing his amendment.

What we had before was a tiger by the tail. The new version that came out of Taxation is a toothless tiger. It has been explained to you quite clearly by the good Senator from Cumberland, Senator Merrill, who I think has done a very good job in explaining this. But what the amendment of the good Senator McNALLY is trying to do is put some teeth back into the tiger.

The first part of his amendment

addresses itself to sections 311 to 314, and he says in this, "Notwithstanding the provisions of sections 311 to 314, a municipal assessing unit may employ persons to perform the assessing function for the unit and may certify professionally trained assessors, and be authorized to remove those persons." What his amendment is going to do is give the powers to certify to the municipal assessing units.

Now, the intention of the good Senator, and I have discussed this with him since yesterday — I tried to make him understand that he was going against himself, however, either I haven't been a good instructor as I wasn't able to sell it to him, or I wasn't quite sure about my assessment of the amendment. So I went over to the Property Tax Bureau and I got an assessment from them, and their assessment is similar to mine. What the new bill will do, they have eliminated this business of assessment districts. There are no more assessment districts. What is left is that you can either form what they call a primary unit — a primary unit is two or more municipalities that may group together to form a unit — and in that case, by 1980 they will have to have a certified assessor, certified by the bureau here. That is for full-time.

The other unit that is being created is a municipal unit, and that can stay the very same way as you have it now. It can be a selectman assessor, it can be a part-time assessor, and those assessors do not need certification. They do not have to follow the training course if they don't want to, providing that by 1979 they have brought up their assessing standards to the standards required by the department. That is the only requirement. There is no tenure except for the chief assessor in a primary assessing district. But there is no tenure as far as a municipal assessor is concerned. So what this amendment is doing, the first part, he is addressing himself to the tenure, but it doesn't exist. There is no tenure. They can fire or hire that assessor as they will, just like they do for town managers.

The second part of his amendment reads, "Any municipal assessing unit may employ a part-time noncertified assessor or contract with a firm or organization that provides assessing services." Now, that is in the bill. That is in section 327, item 3. Now, in the bill it continues, "when any municipal assessing unit or primary assessing area employs a full-time professional assessor, then this assessor must be certified by July 1, 1980 by the Bureau of Property Taxation as a professionally trained assessor." Now, this is only in the case of a full-time professional assessor either working for a municipal unit, like Portland, for instance, that would be a municipal unit, it would be a full-time job. he would have to come under the certification, or else if he is a full-time assessor working for a primary assessing unit, which is several communities together.

Now, in his amendment he has changed the second part of this to read thus: "provided that when any municipal assessing unit or primary assessing area employs a part-time, noncertified assessor, this assessor must be certified by July 1, 1980 by the Bureau of Property Taxation." In other words, his amendment goes further than the bill does. His amendment applies to a part-time and to a noncertified assessor. According to this, if we pass this amendment, by 1980 that

assessor will have to be certified by the bureau, while in the law he does not, a part-time or noncertified assessor does not have to be certified by 1980, he doesn't have to be certified ever, providing that community meets the standards set up by the bureau, which have to be met by 1979. So I think we are doing the good Senator a good deed by killing his amendment, and I hope you will vote against accepting his amendment.

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

Mr. McNALLY: Mr. President, I am confused. I will read from the bill, which is word for word like my section 3. It says, "Any municipal assessing unit may employ a part-time noncertified assessor or contract with a firm or organization that provides assessing services. When any municipal assessing unit or primary assessing area employs a full-time professional assessor, this assessor must be certified by July 1, 1980 by the Bureau of Property Taxation as a professionally trained assessor." Now, I talked with some of these people that were very anxious to get this law straight in their minds, and they were perfectly willing that that come about because they felt by 1980, providing they had gone through the process of being hired and maybe for more than one of those small towns, especially in northern Hancock County, that they would be a full-time professional assessor that would have been to the schools and could be certified by the Bureau of Property Taxation as a professionally trained assessor. I can't see what is wrong about it and that is what is confusing me.

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

Mr. MERRILL: Mr. President, I am afraid that in the heat and the lateness of the hour maybe everybody is going to get confused, so I am going to press my luck and say just a couple more words about this to try to clear this up.

I made the motion to indefinitely postpone because I don't think this amendment is necessary and because I think it goes in the direction, as the Senator from Aroostook said, Senator Cyr, that Senator McNally really probably doesn't want to go.

Now, just directing my remarks to the specific question of certification of assessors, what we say is that a person who works for a primary assessing district or assessing district is going to have to be certified by 1980. If a town by itself stays the way it is now and hires a part-time assessor, or has their selectmen do the assessing, or whatever means that they are doing it now, a municipal assessing unit, then they can have an uncertified assessor and that can go on forever, assuming that by that means they can raise themselves to the quality that the legislature, not the department, that the legislature is saying that we ought to have by 1980.

The second part of this amendment would restrict the towns further than the committee meant to go, because the philosophy of the committee, which this runs counter to, is that if the towns can do it the way they are doing it now, if they can use those means to reach the quality that the state wants, then we could care less about the means that they are using. We do say that if somebody is making his living as an assessor, if he is holding himself out as a professional assessor, or if he is

working for one of these non-mandatory tax assessment districts, that then he is going to have to be certified, much the way we require other people who make a profession in a certain area to meet certain standards to protect the public and assure quality in these people who make it their profession. So the second part of this amendment would go further than the committee thought was necessary to go and in a small way runs counter to the thrust of the philosophy of the bill.

The first part of the amendment which provides — I think I have to agree with the interpretation of the Senator from Aroostook, Senator Cyr, that the towns themselves can somehow do the certification, frankly puzzles me a little bit, because we make it clear that if the towns want to continue as they are the person won't have to be certified. And we also make it clear that the real reason for the certification is to assure that professionals are professionals.

For these reasons, and just because I think that this amendment is not necessary to the general thrust of this bill and puts us in the posture of non-concurrence, I would ask that the Senate support my motion to indefinitely postpone Senate Amendment "B".

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that the Senate indefinitely postpone Senate Amendment "B".

The Chair will order a division. Will all those Senators in favor of the indefinite postponement of Senate Amendment "B" rise in their places until counted.

A division was had, 20 having voted in the affirmative, and five having voted in the negative, the motion prevailed.

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

Out of order and under suspension of the rules, on motion by Mr. Speers of Kennebec, the Senate voted to take from the Specially Assigned Table the following:

Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 584) (L. D. 1937)

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

Pending — Passage to be Engrossed.

The PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules this bill be passed to be engrossed and sent forthwith to the Engrossing Department?

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, as the Chairman of the Committee on Veterans and Retirement, I feel compelled to make one remark. I have a role, it seems, as the watchdog of the state retirement fund. This bill, of course, causes the 5.4 million teacher retirement contribution from the state to the retirement fund to be postponed into the second year of the biennium. I am assured by the good Chairman of the Appropriations Committee that this is a matter that the legislature will attempt to deal with.

We have to realize that by deferring that appropriation for a year the retirement fund would lose the income that that money would earn in investment for a year or possibly a little more. We also must recall that the appropriations are already

1 million dollars short with respect to keeping the retirement fund at the level provided by statute when there is a difference between the amounts otherwise appropriated and the actuarial prediction of the need of the fund to keep its liabilities from becoming unfunded to any greater extent than they have been.

So I simply wanted this to be in the record that this change should be noted, the Senate should be aware of it, and I hope at the earliest opportunity that this damage to the state retirement fund will be repaired. Thank you, Mr. President.

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

Mr. HUBER: Mr. President, in response to the remarks of the good Senator from Knox, Senator Collins, the Appropriations Committee is aware that to cure a cash flow problem we deferred the payments to the teachers retirement in the amount of 5.4 million dollars. Rather than the year deferment to which he refers, I think more likely we will be talking a portion of this 5.4 million dollars may be deferred six months and a portion may be deferred three months. And I think we very definitely should consider — if you assume that these deferrals are an even amount, in each quarter we are talking about approximately \$106,000 in interest, and the Legislative Finance Office is making a better estimate of this interest which would be foregone by the retirement fund, and I think we should put this into a wrap-up bill during this session.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Bill was Passed to be Engrossed and, under suspension of the rules, sent down forthwith for concurrence.

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

Bill, "An Act to Regulate the Distribution and Sale of Motor Fuels." (H. P. 735) (L. D. 920)

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

Pending — Motion of Senator Speers of Kennebec to Suspend the Rules for the Purpose of Second Reading.

(In the House — Passed to be Engrossed by Committee Amendment "A" (H-726) as Amended by House Amendments "A" (H-764) and "B" (H-766) Thereto.)

(In the Senate — Committee Amendment "A" as Amended by House Amendments "A" and "B" Adopted in concurrence.)

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

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

Senate Amendment "A", Filing No. S-332, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A", Thereto was Adopted.

Thereupon, under suspension of the rules, the Bill was Read a Second Time and Passed to be Engrossed, as Amended, in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Clarify the Election Laws." (H. P. 1697) (L. D. 1931)

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by House Amendments "C" (H-765) and "D" (H-767).)

(In the Senate — House Amendment "C" Indefinitely Postponed, in non-concurrence; House Amendment "D" Adopted, in concurrence.)

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

Senate Amendment "A", Filing No. S-329, was Read and Adopted.

On motion by Mr. Conley of Cumberland, the Senate then voted to reconsider its action whereby Senate Amendment "A" was Adopted.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: I call your attention to Senate Amendment "A". It would appear to me to be a politician's dream and a nightmare to anyone who is in charge of administering or regulating the election within his community. It seems to me that any time that votes are being counted you would certainly want to keep this area which this amendment relates to, behind the guardrail, free from any type of obstruction. The amendment, as it reads, says "A candidate or his designee shall be permitted within the guardrail to observe the counting of absentee ballots for any election in which he is a candidate. At no time shall anyone interfere with a candidate's view of absentee ballots being counted."

Mr. President and Members of the Senate, I just find this is the type of an amendment which could really create problems at the polling houses and I don't think there is really any need for it. If there is any question of absentee ballots, there are enough laws on the statutes today which would allow you to certainly be able to inspect them through the process of a recount or an inspection. Therefore, I would move the indefinite postponement of Senate Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that Senate Amendment "A" be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

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

Sent down for concurrence.

(See action later in today's session.)

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

Bill, "An Act to Provide State Relief to Household for Extraordinary Property Tax Burdens." (S. P. 481) (L. D. 1671)

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

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-321) Adopted.)

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

Mr. MERRILL: Mr. President and Members of the Senate: I gave very careful scrutiny to the Committee Amendment today as it was redrafted by our staff. I found a technical error in the drafting of that amendment and will

momentarily offer an amendment to correct that technical error, which breaks my heart because it will mean that this bill will not find itself on the way to the consent calendar in the House tomorrow, should we pass it. But be that as it may, I would now move that we reconsider our action whereby we accepted Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

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

Senate Amendment "A", Filing No. S-330 to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A", Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

Senate Reports — from the Committee on Judiciary — Bill, "An Act Amending the Definition of Mental Disease and Mental Defect for the Purpose of Criminal Responsibility." (S. P. 167) (L. D. 550) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — earlier in the day by Senator Hichens of York.

Pending — Acceptance of Either Report.

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

Mr. HICHENS: Mr. President, having been advised by the Chairman of the Judiciary Committee that this is taken care of in a moderate way in the new criminal code which was adopted, I will now move that we accept the Majority Ought Not to Pass Report.

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

The motion prevailed.

Sent down for concurrence.

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

Bill, "An Act Amending the Elderly Household Tax and Rent Refund Act to Expand Eligibility to Recipients of Supplemental Security Income." (H. P. 104) (L. D. 101)

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-343) and House Amendment "A" (H-356).)

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

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

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

Bill, "An Act Revising Lobbyist Disclosure Procedures." (S. P. 150) (L. D. 513)

Tabled — earlier in the day by Senator Danton of York.

Pending — Adoption of Senate Amendment "A" (S-324) to Committee Amendment "A" (S-312).

Thereupon, Senate Amendment "A" to Committee Amendment "A" was Adopted.

Mr. Conley of Cumberland then presented Senate Amendment "B" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "B", Filing No. S-331, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: What this amendment primarily does is that it restores the 30 day filing deadline with the Secretary of State. The amendment as offered takes care of that part of the amendment that I spoke of this morning relative to the dedicated revenues, that the monies would come from the general fund, but the amendment as proposed would put back into the bill or leave intact within the bill the 30 day requirement period for lobbyists to file with the Secretary of State's Office.

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

Mr. KATZ: Mr. President, as I recall Senate Amendment "A" to Committee Amendment "A", which I sponsored earlier, it took the 30 days out. May I ask whether this amendment is inconsistent with the action we just took in adopting Senate Amendment "A" to Committee Amendment "A"?

The PRESIDENT: The Senate will be at ease.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair would advise the Senator from Kennebec, Senator Katz, in the negative. The amendment is not, repeat not, inconsistent.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, in that event, I move for the indefinite postponement of Senate Amendment "B", which does subvert the intent of the action we just took. The basic question is whether we want 30 day filing or 60 day filing, and if I am correct, that is the issue in front of us. If I am incorrect, I hope the sponsor will explain to me the nature of my error.

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

Mr. CONLEY: Mr. President, I didn't quite get the message loud and clear. Is the amendment that has been offered germane?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. CONLEY: Thank you. Well, then, what the good Senator from Kennebec, Senator Katz, said really only took care of 50 percent of the problem that I have with the amendment the good Senator offered this morning. I say that I think it is a very wise decision to have this money go right into the general fund and that the appropriation be made from there. But I do believe that the bill itself calling for a 30 day period for the filing of expenditures is a reasonable one and I would hope that the Senate would move to adopt that amendment.

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

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of

one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call on the adoption on Senate Amendment "B" will please rise in their places until counted.

One-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I don't personally think we are dealing in semantics but that this is a very important amendment, and I don't like to throw wild figures around the Senate Chamber but I think that lobbyists are being compensated enough that this would bring no difficulty and no extra burden upon them to be able to file with the Secretary of State every 30 days, and I hope the Senate would adopt this amendment.

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

Mr. KATZ: Mr. President, I think the Senate has to decide exactly what it wants to accomplish. This amendment that has been offered is cosmetically a very, very beautiful thing and it warms my heart because anybody who votes for this is voting for sunshine and free information for the people every hour on the hour. The only question in your mind, and I ask you to be really responsible people, is how much of a bureaucracy do you want to create and how rigid a procedure do you want to pursue? Right now we have filing once a session. This is going to make six times a session. My handy-dandy little compromise, which I say is the right kind of sunshine for Maine is three times a session. If you would like hourly — excuse me, monthly reporting, you will vote against my motion for indefinite postponement. If you feel that this kind of reporting creates a bureaucracy and is disadvantageous and unnecessary in a state that smells as sweet as I heard all of you say Maine smells, you will vote for indefinite postponement.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz, that Senate Amendment "B" 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.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Thereupon, on motion by Mr. Conley of Cumberland, tabled until later in today's session, pending the motion by Mr. Katz of Kennebec that Senate Amendment "B" to Committee Amendment "A" be Indefinitely Postponed.

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

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

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

Pending — Enactment.

(In the House — Passed to be Enacted.)

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

Mr. BERRY: Mr. President, I have carefully reviewed this document, and while 95 percent of it is extremely meritorious and quite aptly described by the title of the bill, I am very concerned as to one section of the bill. Now, L. D. 815 is entitled "An Act to Clarify the Laws Relating to Municipalities", and every section which is mentioned in the bill is

Title 30 of the Maine Revised Statutes. And out of the Committee when the Ought to Pass as Amended Report came was Committee Amendment "A", and I am going to ask the Chair for a ruling on the germaneness of Committee Amendment "A". I will read the first part of Committee Amendment "A", which is under the Filing Number of S-231.

The first part of the amendment deals with Title 12 of the Maine Revised Statutes, and it says this: the amendment says the bill "is further amended by adding at the end the following new sentence: This section as it relates to Oxford County shall be limited to such acquisition as shall have been actually acquired prior to the effective date of this Act and no further land in Oxford County shall be acquired after such date."

That amendment says that White Mountain National Forest shall not be expanded any more after the effective date of the bill. Now, my question, Mr. President, is that in view of the fact that the balance of the amendment and that the total of the bill refers to Title 30, which applies to all the municipalities of the state, and quite properly in accordance with the title of the bill and statement of fact, I would ask the Chair the germaneness of the section I read, and if the matter is not germane, I shall move that the rules be suspended and that the Senate reconsider its action whereby the bill was passed to be engrossed.

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

Mr. JACKSON: Mr. President and Members of the Senate: The good Senator from Cumberland, if he had been reading from the engrossed copy of the bill, would see where he stopped: "unless such acquisition is approved by the voters of the municipality in which such land in whole or in part is located."

This bill was the omnibus bill for the Local and County Government Committee. We took up the amendment, we decided to attach it to this omnibus bill, and the reason being — there has been some publicity on it, even in my local paper, which I am sure the good Senator from Cumberland will probably state a little later — it was brought to my attention that the White Mountain National Forest at present owns almost 46,000 acres. It lacks six acres of having 46,000 acres in Oxford County in land. In 1935 they acquired in one town, the Town of Stoneham, they acquired better than one-half of the property. In two other townships they acquired enough property so these towns had to turn in their charters to the State of Maine.

Now, what I would like to convey is that we have laws which protect taxpayers, we have laws which protect residents of municipalities, of towns or cities, wherever the case may be, from encroachment or from harm, and it seems fair to me that this law was on the books, put on the books in 1951, and it was certainly much more severe than the law that is presented in this amendment. And that law stated exactly what the good Senator from Cumberland read to you. It was repealed four years ago unbeknown to anybody through an omnibus bill at the request of the White Mountain National Forest and the conservancy groups in the State of Maine.

Presently, back two or three weeks ago the federal government acquired 1400

more acres of land in Stoneham. Now, 1400 acres of land, this land sold, I read in one paper, for \$250,000. I read in another paper it sold for \$200,000. Now, I submit to you this is an erosion of the tax base, and it is an infringement and an encroachment upon the rights of any individuals who live in those towns, those taxpayers, because they have to assume the extra burden when this property is declared tax-exempt. These towns, when the federal government or tax exempt agencies purchase this property, it denies these towns and these cities the much needed tax revenue that they need to run, and I wonder how much longer we can stand by and let these small towns, such as the ones in Oxford County, be engulfed by the federal government and, therefore, turn their charter over to the State of Maine and become an unorganized township. I would assume that would be regressive.

Another thing, when you take and remove this property from the rolls, the towns cannot properly function. They do not have the adequate funding. I can't verify the statement, but I was told over the telephone two days ago that under the school funding law the Town of Stoneham's per pupil cost is \$2,700. Now, here is a town that has got a population of approximately 276 people. I ran a survey when I was campaigning last year in my area as to what the per capita income is, and I would assume the per capita income in that area is about \$4,400, because I am sure it hasn't improved any.

Another thing is that overall it presents a hardship, a hardship to everybody. And how much can we assume that these people can take? I just don't feel that we should be standing back and allowing things of this nature to take place without giving the voters of a town the opportunity to approve or disapprove of a land acquisition by the federal government. If the federal government wants to acquire the property, fine and dandy, they can go in there and they can run a campaign or whatever the case may be, what they want to do. If the taxpayers vote it down, the property is not going to be sold. But if they pass it, it will.

In reference to the 1,400 acres of land that I just mentioned with the Town of Stoneham, they did vote to sell it to the federal government. So I really can't see why anybody should take issue with this section. Personally, I think it is a good section and I think it is something that is needed in these areas, these small areas, small municipalities, where they have lost their tax base. And again why I revert back to Stoneham is that they had another 1,200 acres of land purchased last summer by a non-profit organization which is declared tax-exempt. And this organization removed \$3,800 of tax revenue from the books.

Now, when the federal government can acquire property — I looked the 1,400 acres of land over that they acquired — and when they can pay that much money for a piece of property and remove it from the tax base of that town without the voters' approval, I think it is incorrect. So, therefore, I hope that the Chair would find this amendment germane, and I would hope that every member of this body would allow the taxpayers of these municipalities to make the decision as to whether they are going to sell or whether they are not. I thank you very much.

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

Mr. BERRY: Mr. President and Members of the Senate: I don't quarrel one iota with the philosophy that Senator Jackson has just discussed. As a matter of fact, I am completely of his viewpoint. My question on the germaneness of the bill is only to that. I am very sympathetic with the situation of tax exempt property and I would very strongly support the proper legislation. I point out that this was not an L. D., it was not proposed as an L. D., and it came out as a committee amendment. And I would say that another amendment will have to be prepared if the Chair rules this is not germane because Committee Amendment "A" does have other material in it that should be retained in the bill. I would request the ruling of the Chair.

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

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

On motion by Mr. Conley of Cumberland, the Senate voted to take from the table the following:

Bill, "An Act Revising Lobbyist Disclosure Procedures." (S. P. 150) (L. D. 513)

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

Pending — Motion by Senator Katz of Kennebec to Indefinitely Postpone Senate Amendment "B" to Committee Amendment "A".

Thereupon, Mr. Conley of Cumberland was granted leave to withdraw Senate Amendment "B".

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

The same Senator then moved that Senate Amendment "A" to Committee Amendment "A" be Indefinitely Postponed.

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

Mr. KATZ: Mr. President, I am taken aback at this unexpected onslaught on this perfectly fine amendment, and I vigorously oppose the motion.

The PRESIDENT: The Chair would interrupt to inform the Senator from Cumberland, Senator Conley, that the Senate has already reconsidered its action whereby it adopted Senate Amendment "A" to Committee Amendment "A". Therefore his motion is out of order.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, before we get involved in a morass of quicksand here, I think that what the Senator is attempting to do is find some way to vote on the question of 30 or 60 days, and I would therefore move that the rules be suspended for the purpose of reconsidering our action whereby we adopted Senate Amendment "A" to Committee Amendment "A", and perhaps then the motion can be made to indefinitely postpone this amendment, and the vote may be taken on that amendment at that time.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the rules be suspended and that the Senate reconsider its action whereby it adopted Senate Amendment "A" to Committee Amendment "A".

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I am a very gentle, cooperative man, but it seems to

me that it takes two-thirds to reconsider, and this seems to be some parliamentary advantage, so I would oppose the motion to suspend the rules.

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

Mr. MERRILL: Mr. President, as one who has had occasion in the past to search legislative debate to find legislative intent, I would like to say for a person doing a similar thing in regard to this bill: take note that the hour was late and it was hot.

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

Mr. CONLEY: Mr. President, I think it might be a lot easier for us to handle this matter now rather than tomorrow. I am sure we will have an amendment that will be offered in the other body that may change this around, so I think perhaps it would be a good thing for us to suspend the rules and get it out of the way rather than prolong the legislative session.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate suspend the rules for the purpose of reconsideration of the adoption of Senate Amendment "A" to Committee Amendment "A".

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

A division was had, 16 having voted in the affirmative, and 12 having voted in the negative, the motion did not prevail.

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 to Provide for Licensing of Sternmen on Lobster and Crab Fishing Boats." (H. P. 1676) (L. D. 1923) (Emergency)

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

Pending — Enactment.

(In the House — Passed to be Enacted.)

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

Papers from the House

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

House Paper

Bill, "An Act Relating to Funding of School Administrative District No. 67 Schools for 1975." (H. P. 1719) (L. D. 1938)

Comes from the House, Passed to be Engrossed without reference to Committee.

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

Non-concurrent Matter

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

In the Senate June 16, 1975, Passed to be Engrossed as Amended by Senate Amendment "C" (S-316), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "C" as Amended by House Amendment "A" (H-773), There to, in non-concurrence.

On motion by Mr. Clifford of Androscoggin, the Senate voted to Recede and Concur.

**Joint Resolution
STATE OF MAINE**

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

Joint Resolution Memorializing the Congress of the United States to Include the Cost of Eye Glasses, Prescription Drugs and Hearing Aids in the Medicare Program

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Seventh Legislative Session, now assembled, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the Medicare Program has been a much needed and much used program to upgrade the medical care for many of Maine citizens; and

WHEREAS, the present statute governing the Medicare Program does not permit that program to include as Medicare benefits the cost of eye glasses, prescription drugs and hearing aids; and

WHEREAS, a huge part of the needed medical care for persons who also benefit under the Medicare Program consists of these items; now, therefore, be it

RESOLVED: That We, your Memorialists, hereby respectfully urge and request that the Congress of the United States act as soon as possible to amend the Medicare statute to include eye glasses, prescription drugs, and hearing aids as part of the benefits permitted Medicare recipients; and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation. (H. P. 1717)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Joint Order

WHEREAS, municipal bond ratings have become the great common denominator of the municipal bond market; and

WHEREAS, ratings by Moody's Investors Service have broad acceptance in the nation's financial markets; and

WHEREAS, Maine's historic AAA rating was lowered to AA in April of 1974 by Moody's Investors Service; and

WHEREAS, this reduced rating will be reflected in higher interest rates on current and future State bond issues; and

WHEREAS, the steps necessary to maintain a high credit rating and restore a AAA credit rating are varied and highly technical; and

WHEREAS, it is in the best interests of the Maine people to determine an orderly method to accomplish this goal; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Performance Audit, to study and determine the present condition of Maine's efforts to restore an AAA rating, including an analysis of the provisions of the Maine Constitution, the Revised Statutes and the

rules and regulations of any department or public authority which are factors in determining a bond rating; and be it further

ORDERED, that the Committee coordinate with the Treasurer of State, Maine Guarantee Authority, Maine School Building Authority, Maine Municipal Bond Bank, Maine Housing Authority, Maine Veterans Small Business Loan Authority, Maine Port Authority and the Maine Health Facilities Authority 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 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 Treasurer of State and the several public authorities as notice of this directive. (H. P. 1718)

Comes from the House, Read and Passed.

Which was Read.

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

Orders

On motion by Mr. Clifford of Androscoggin,

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Maine Jaycees who were the Originators of the "Pride in America Begins With Me" Bicentennial Program Adopted by the U.S. Jaycees and who were Further Named by the U.S. Jaycees as the Number One Jaycee Organization in the United States

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 585)

Which was Read and Passed.

Sent down for concurrence.

**Committee Reports
House**

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

Bill, "An Act to Pay Three-fourths of the Cost of Health Insurance for State Employees." (H. P. 1462) (L. D. 1746)

Bill, "An Act Making the Drawing of Checks upon a Closed Account a Felony." (H. P. 46) (L. D. 58)

Bill, "An Act to Repeal the Statutory Provision Against Suspending a Sentence for Conviction of Assault with a Firearm or Granting Probation from that Sentence." (H. P. 274) (L. D. 328)

Bill, "An Act to Require Imprisonment for any Crime Committed by a Person while Released Pending Trial." (H. P. 299) (L. D. 349)

Bill, "An Act Establishing Mandatory Sentences Upon Conviction of Trafficking

in illegal Drugs." (H. P. 631) (L. D. 782)

Bill, "An Act to Increase the Number of Good Time Days which may be Deducted Each Month from the Term of Imprisonment of a Convict." (H. P. 635) (L. D. 786)

Bill, "An Act Amending Certain Laws Relating to Parole." (H. P. 636) (L. D. 787)

Bill, "An Act to Make Possession of Federally Controlled Drugs Unlawful." (H. P. 880) (L. D. 1054)

Bill, "An Act Concerning the Forfeiture of Property Used in Delivering Illegal Drugs." (H. P. 884) (L. D. 1061)

Bill, "An Act to Rationalize the Penalties for Certain Drug Offenses." (H. P. 1133) (L. D. 1425)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Adjusting State Employees' Pay." (H. P. 1176) (L. D. 1469)

Reports that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Regulating the Collection and Return of Tenant Security Deposits by Landlords." (H. P. 194) (L. D. 226)

Reports that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act to Specify Grounds for Filing Forcible Entry and Detainer." (H. P. 503) (L. D. 625)

Reports that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Preventing a Lien on Real Estate When Owner has Paid Contractor." (H. P. 896) (L. D. 1122)

Reports that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act to Establish the Maine Uniform Residential Landlord and Tenant Act." (H. P. 996) (L. D. 1262)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Amend the Real Estate Transfer Tax." (H. P. 1321) (L. D. 1640)

Reports that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act Relating to the Statutes Concerning Charitable Solicitations." (H. P. 1431) (L. D. 1794)

Reports that the same be granted Leave to Withdraw.

The Committee on Business Legislation on, Bill, "An Act to Amend the Laws Relating to Savings Banks and Savings and Loan Associations." (H. P. 1267) (L. D. 1763)

Reports that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Establish Minimum Warrant Standards for New Residential Dwellings." (H. P. 575) (L. D. 710)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-720).

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

Which report was Read and Accepted in concurrence and the Bill Read Once.

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

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

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

Mr. CLIFFORD: Mr. President, I am not sure what this bill does but it seems to me that it does deviate from the current law sufficiently so that it would be unfortunate, if there were some problems with this bill, that the Senate wouldn't be in a position where it could amend the bill.

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

Mr. BERRY: Mr. President, I request permission to withdraw my well-intentioned motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now requests leave of the Senate to withdraw his motion that the rules be suspended. Is this the pleasure of the Senate?

It is a vote.

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

The Committee on Labor on, Bill, "An Act to Provide Supplemental Unemployment Benefits to Persons with Dependents." (H. P. 1230) (L. D. 1537)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-755).

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

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Bill was given its Second Reading.

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

Mr. KATZ: Mr. President, this seems to be a significant change in unemployment benefits. Before we pass it to be engrossed, could we have some explanation from a member of the committee?

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

The Chair recognizes the Senator from York, Senator Roberts.

Mr. ROBERTS: Mr. President and Members of the Senate: This is exactly what the good Senator from Kennebec, Senator Katz, assumes it is. It is a bill which increases the unemployment benefits. We had several bills before the Labor Committee on this general subject, all of which covered increases of one sort or another in various areas and various amounts, and we, in effect, killed all those or did not pass out any of those, and put together what we thought was the best of all of them and came up with this bill.

Now, this bill is different from any bill we have had here in the State of Maine, although they have similar bills in many other states. One of the reasons it is that it tackles the problem of people trying to get by in this day and age on unemployment here in the State of Maine from a little different angle, and the angle or the way that this attacks it is on the basis of dependence. In other words, what you have here is a bill which provides that

a person can collect an additional amount per week, subject to certain limitations, based on the number of dependents they have, with that number of dependents being limited to five.

Now, the number of five is arrived at as follows: there is only one adult dependent that is considered in that. In other words, if you have a husband and wife, the primary worker would be considered as one, the spouse would not be considered, and then you would add up to four children, and no more, to that to make up the five dependents.

The amount that this bill calls for, as it now stands before the Senate, would be \$7 per dependent. In other words, if someone had three dependents, three children and themselves, there would be four in all, or \$27 that would be allowed as an increase. Now, the amount of this increase is in turn limited by two provisions. One provision is that the most that they can collect on this dependency allowance is 50 percent of the amount of the claimant's weekly benefit.

I think what you are waiting to hear is what this particular amendment will add to what the expense will be from the fund. Now, you have all been reading for the last six months how the fund in the State of Maine is running out. There is no denying that, and it is a fact. The fund will probably last until maybe the first of October or maybe sometime in September, and at that time the fund will run out. It has already run out, as you have probably also read, in at least 10 or 15 states, and by six months from now it will have run out in at least 30 states. Now, when it runs out here in Maine, which it is going to do, we'll say, the first of November or sometime in October, or maybe as early as the last of September, the federal government then loans money to the state, which if paid back within — and I am not sure of the time, but I am going to say two years, or maybe it is a year and a half, it can be paid back without any cost whatsoever. However, after that period, it is 1 percent interest that you pay.

Now, the amount that the employer pays, and the employer, bear in mind, this is something the employer contributes to, but not the employee, that is based on increases of not more than a half of 1 percent. Now, because the fund is already nearly depleted, the employer is already charged with that increase, so this is not momentarily at least going to increase the employer's contribution any more than the one-half of a percent, which is already going to be increased just in order to try to build up the fund again. However, it will actually mean that that increase will go along longer because the fund is going to have to eventually be replaced.

There is legislation in Congress, whether it will pass or not, that Congress will eventually make this loan to these funds taxfree anyway, but at the moment it is taxfree only for a year or a year and a half, I believe.

The actual cost to the fund is estimated by the Department of Manpower Affairs as \$2,750,000.

I will say that we have done one thing so far to help the plight of the people who are unemployed, and that is that earlier in the session you people here, as well as the other body, passed without argument and without debate a bill which allowed the employees to get the first week of their unemployment immediately. Now, under the old law, until you changed it, which

was by an emergency and which went into effect, I guess, around the first of April, you had to be unemployed five weeks, and at the end of the fifth week you were entitled to get money for the first week. Now, we amended that and at the present time under the unemployment, as it exists here in the State of Maine, that really doesn't cost very much because most people who are unemployed are unemployed under the present situation for more than five weeks, so they are going to get it anyway, but it gets it to them earlier so they can, hopefully, pay a few more bills. The cost that was estimated to the fund was a million dollars on that enactment, and that is the only amount, you might say, that the fund has been tapped at this point.

You can't compare apples and oranges very well, but the State of Maine, even though we have a lot of people under our unemployment compensation, the amount we pay is relatively small because it is based on a percentage, and the most they can pay under the average pay that is received in the state now is \$68.

This I think will help the people who are trying to get by in this time of inflation on very, very small payments. Now, to make this more palatable, because it would have cost even more than this, we have done two things. One is that we have increased the amount that a person has to earn in the base period, which is the previous three months, in order to be able to qualify for unemployment benefits at all. It used to be \$600 and it has been raised to \$800. It was testified in committee that a prevalent practice among certain people — not many, but a few anyway, and quite a few possibly — that they would work as little as possible, and once they got their \$600 worth of earnings in the previous three months, then they would stop or find out some way to become unemployed so that they could automatically collect the unemployment. And then when that ran out, they would go back to work and work until they earned another \$600 in the next three-months period and then repeat the process. To get some of those off the rolls, this bill increases that from \$600 to \$800; they have to earn \$800.

Also, to try to get the people who have just come into the working force and then have started working within the three months, they won't be eligible unless they have earned at least \$250 in each of two different quarters. So that we are trying to cut out the people that are trying to use this to cheat and work as little as possible and collect as much as possible. By doing this, we also cut down the cost somewhat of this bill.

Now, Senator Pray is also on the committee, and I am sure he can probably add to what I have said and maybe correct some of it, but that is my explanation for now, Senator Katz.

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

Mr. McNALLY: Mr. President and Members of the Senate: The good Senator from York has given you a very good explanation of everything. Of course, I was the only one who abstained from voting, and that is the only reason that I stand, and I will be very brief.

The original unemployment law was set up not for welfare. And this little tidbit that is added to it, in my mind, runs like when you pay for the children then you are going

into welfare with your unemployment money, but that might be all to the good. I abstained from voting and I still think that you have a little bit of welfare to your unemployment law.

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

Mr. WYMAN: Mr. President and Members of the Senate: Like so much legislation that we pass here, I think this ought to be entitled "An Act to Increase Unemployment", because the small employer is compelled to pay this workmen's compensation; he has no choice. And the more burden we place on him, the less successful he can be and the less people he can hire, and the quicker he will be obliged to go out of business. And when you talk about a million dollars or two million dollars out of the employers throughout the state, including the small employers, I just feel it will create that much more unemployment and that we shouldn't adopt this amendment.

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

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

The Committee on State Government on, Bill, "An Act Relating to the Powers and Duties of the Maine Real Estate Commission." (H. P. 277) (L. D. 424)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-752).

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

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence.

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

The Committee on Agriculture on, Bill, "An Act Concerning the Potato Tax and the Maine Potato Commission." (H. P. 1390) (L. D. 1798)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-750).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" (H-759) Thereto.

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted in concurrence and Committee Amendment "A", as Amended by House Amendment "A" Thereto, was Adopted in concurrence.

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

Ought to Pass in New Draft

The Committee on Business Legislation, on, Bill, "An Act Requiring the Disclosure of Information in Certain Used Car Sales and Concerning Used Car Warranties." (H. P. 757) (L. D. 929)

Reports that the same Ought to Pass in

New Draft under Same Title (H. P. 1708) (L. D. 1934)

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

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once.

Thereupon, on motion by Mr. Speers of Kennebec, and under suspension of the rules, the Bill in New Draft was given its Second Reading and Passed to be Engrossed in concurrence.

Divided Report

The Majority of the Committee on Agriculture on, Bill, "An Act Making Potato Processors Subject to Certain Provisions of the Licensing and Bonding Statutes for the Bonding of Potatoes." (H. P. 794) (L. D. 967)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-460).

Signed:

Senator:

HICHENS of York

Representatives:

MAHANY of Easton
ROLLINS of Dixfield
TEAGUE of Fairfield
ALBERT of Limestone
DYER of South Portland
CARROLL of Limerick
TORREY of Auburn

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

Signed:

Senators:

JACKSON of Cumberland
JOHNSTON of Aroostook

Representatives:

BERRY of Buxton
HALL of Dover-Foxcroft
WILFONG of Stow

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-680) Thereto.

Which reports were Read.

On motion by Mr. Hichens of York, the Majority Ought to Pass as Amended Report of the Committee was accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted in concurrence and Committee Amendment "A", as Amended by House Amendment "A", as Amended by House Amendment "A" Thereto, was Adopted in concurrence.

Mr. Hichens of York then moved that the rules be suspended and the Bill be given its Second Reading.

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

Mr. SPEERS: Mr. President, I ask for a division on that motion and urge the Senate not to suspend the rules on this bill.

The PRESIDENT: A division has been requested on the motion by the Senator from York, Senator Hichens, that the Senate suspend its rules so this bill may be given its second reading at this time. All those Senators in favor of suspending the rules will please rise in their places until counted.

A division was had. Seven having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Discharge from Parole or Probation." (H. P. 114) (L. D. 146)

Reports that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
MERRILL of Cumberland
CLIFFORD of Androscoggin

Representatives:

SPENCER of Standish
MISKAVAGE of Augusta
GAUTHIER of Sanford
PERKINS of South Portland
HOBBS of Saco
BENNETT of Caribou
HUGHES of Auburn
HENDERSON of Bangor
McMAHON of Kennebunk

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

Signed:

Representative:

HEWES of Cape Elizabeth

Comes from the House, the Majority report Read and Accepted.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Concerning Justification for the Use of Force." (H. P. 1281) (L. D. 1736)

Reports that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

HENDERSON of Bangor
McMAHON of Kennebunk
BENNETT of Caribou
GAUTHIER of Sanford
HUGHES of Auburn
HOBBS of Saco
MISKAVAGE of Augusta
SPENCER of Standish
PERKINS of South Portland

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

Signed:

Representative:

HEWES of Cape Elizabeth

Comes from the House, the Majority report Read and Accepted.

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Creating the Maine Energy Authority." (H. P. 1471) (L. D. 1803)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-754).

Signed:

Senator:

GRAHAM of Cumberland

Representatives:

KANY of Wterville
PELOSI of Portland
QUINN of Gorham
COONEY of Sabattus
WAGNER of Orono
CARPENTER of Houlton

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

Signed:

Senators:

CURTIS of Penobscot
WYMAN of Washington

Representatives:

FARNHAM of Hampden
LEWIN of Augusta
SNOWE of Auburn
STUBBS of Hallowell

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

Which reports were Read.

Mr. Graham of Cumberland moved that the Senate accept the Majority Ought to Pass as Amended Report of the Committee.

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

Mr. CURTIS: Mr. President, this is the only item that I can remember that has come from the State Government Committee which has been divided along political lines, and I think everybody is familiar with the issue involved here. It is one that the people who were interested in a bill on the committee spent a great deal of time working over and they have refined their bill to a considerable extent. However, I would suggest that the minority of the committee, represented by two of the Senators, feels that this is not a wise bill at this time, that the state ought not to get involved so directly in the power business, that it probably could turn out to be an expensive matter and one which we should not delve into at this time. So I would ask for a division.

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

Mr. COLLINS: Mr. President, I have always heard in the arguments for public power that the advantages were that there would be lower financing costs because of tax exempt bonds and because federal and state income taxes could be avoided, and in this case because there would be a token payment in lieu of taxes at the local level, but I have in my hands copies of three opinions indicating that the revenue bonds under this particular act would not be tax exempt. One of these opinions is from the accounting firm of Peat, Marwick, Mitchell & Company in Portland, one is from the investment banking house of Kidder, Peabody & Company, New York, and one is from the New York law firm of Labothe, Lamb, Latie and McCray. These go at length into the technicalities of this matter, and I won't try to review it, but it seems to me that it is quite clear that this particular effort to establish a public power authority, which of course was turned down by Maine voters quite recently, would be a very unsuccessful attempt, even if we were to pass it. I, therefore, urge you to vote against the pending motion.

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

Mr. JAKCSON: Mr. President and Members of the Senate: Public power has probably been kicking around for the last ten years, at least, and many of the supporters of public power have been stating that it would be much less expensive, but I don't know, my philosophy is that I just can't see the state control or perform any more cheaply than private enterprise.

Now, we have had past legislatures which have put this question to rest, and I think in 1974 there was a referendum vote that was sent out to the public of the State of Maine and it was overwhelmingly defeated, so I think this would be a pretty good indication as to how the bulk of your taxpayers of the State of Maine feel about public power or state controlled power.

I think that we have a very strong utility situation in the State of Maine and that Maine customers are receiving a plentiful supply of electricity. The service, I don't think that anybody here can say they have been negligent in the service they provide to the consumers of the State of Maine. We have state government, we have the Public Utilities Commission, which controls the price of the utility companies. I don't think that we should reverse our decisions that our forefathers have made and go ahead and pass this bill. I would urge every member in this body to vote against it. I think the system is working fine today, the state controls the rates, the power companies, the utilities, are providing the service, and an adequate one. Thank you.

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

Mr. O'LEARY: Mr. President and Members of the Senate: I believe that the public utilities now support this concept, and I have here an editorial from the Portland Press Herald of Monday, June 9th of this year, and I will just read this editorial to you and you can pass judgment upon it.

"Two years ago these newspapers editorially opposed a referendum proposal to bring public power to Maine. Our position however, was not founded in opposition to the principle of public power; rather it was rooted in our belief that the bill at issue contained specific flaws which made it unpalatable.

"First, there were technical flaws with respect to sweepingly broad eminent domain provisions, payments in lieu of property taxes, and a complete absence of either controls by the state Public Utilities Commission and the Maine Department of Environmental Protection."

And I think as we go down through this you will perhaps understand that some of these arguments have been erased through this piece of legislation.

"But most of all we found fault with the proposal to create a new state bureaucracy to provide electricity in direct competition with existing private power companies. We saw, in short, two incompatible groups, with perhaps differing plans and goals, which we feared would only lead to inefficiencies in the delivery of electric power.

"But, even as the referendum bill went down to an overwhelming defeat, one nagging thought remained: despite our opposition to the specific referendum measure, it is incontestable that public power has two features which provide it with a cost advantage over power delivered by private utilities. First, interest on bonded indebtedness is low because they are tax exempt. Second, a public power authority pays no income taxes on its net income.

"Those two features stand out. What they mean, in essence, is that public power tends to be cheaper because it is subsidized by the nonpayment of federal income taxes. Look at it this way: Maine people pay federal income taxes. Nebraska people pay federal income taxes. But Maine has no public power while Nebraska

does. Therefore, Maine taxpayers subsidize Nebraska electricity users through a subsidy of federal income taxes.

"We now make a proposal for a new concept in public power for Maine; one which would overcome the objections to the referendum bill of two years ago but which would still provide the benefits of low cost public power. And at the same time it would end the unfairness of subsidizing public power users in other states through the tax dollars of Maine citizens.

"We propose a public power authority which would have the power to raise funds through the sale of tax exempt bonds to be used to construct electric generating plant capacity. Plant planning, design, engineering, supervision and construction would be undertaken in full cooperation with existing private power companies. And when completed, the plant would be leased to a private power company, such as Central Maine Power or Bangro Hydro, on a net lease basis.

"The private power company leasing the plant would be responsible for all operation and maintenance. The lease payments to the public power facility would be sufficient to redeem the bonds as they fell due. Those lease payments would, of course, reflect the low interest rate and non-payment of income taxes by the public power authority, and those savings would be passed on to the consumer.

"Unlike the referendum bill of two years ago, the state authority would not sell electricity in direct competition with private utilities but would, instead, market its power through the private companies. And, also unlike the defeated referendum proposal the plans would be subject to full environmental controls and the rates charged for its electricity regulated by the Maine Public Utilities Commission.

"The essence of the plan is simply to create a financing vehicle much as municipalities now provide industrial bonds to build industrial parks and plants. Moreover, our proposal would not create a new bureaucratic layer of state government. Indeed, there would be no need for public power employees at all.

"Is the plan legal? We are inclined to think so. While some might maintain the plan is a subterfuge designed to take advantage of the tax-exempt status of the state, we would argue otherwise. We say that public power authorities in other states have already taken advantage of the federal tax base in setting up public power authorities. We simply propose setting matters to right by obtaining the same benefits for the citizens of Maine and doing so while preserving the efficiencies and advantages of the existing power system.

"Our proposal is particularly timely now since the Maine Legislature is considering a bill to create a Maine Energy Authority, a revised version of the referendum bill which was defeated two years ago.

"While the Energy Authority bill is an improvement over the referendum measure — it would, for example, limit the powers of eminent domain, provide for environmental controls and provide for PUC jurisdiction of rates — it continues to suffer because it would allow the authority to sell to municipal districts, and perhaps to federal installations, in direct competition with existing utilities. And, as before, it would require that officials build, manage and operate the plant.

"The method we suggest avoids that kind of confrontation and bureaucratic duplication. It makes low cost public

power available to the people of Maine and it does so within the framework of the existing private power system."

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

Mr. GRAHAM: Mr. President and Members of the Senate: I am not going to rehash the old argument between public and private power. I simply want to say that I do believe that the bonds of this energy authority would be tax exempt, and consequently the rates would be lower. There would be no income taxes for this authority to pay. The power would, therefore, be cheaper.

This bill has some advantages over some previous bills on public power. As the previous speaker, Senator O'Leary, said, it would establish rates subject to review and approval of the PUC, the Public Utilities Commission, and it would eliminate one objection to a previous bill; namely, the authority would have the same eminent domain powers granted to electrical power companies. This was one of the chief objections to another bill.

This authority is not in competition with private power or the present utilities. It would simply sell power wholesale to these utilities and they would be able to take advantage of this cheaper power and pass that saving on to their customers. This authority, furthermore, is subject to all state and federal environmental laws. It would pay 10 percent of its gross annual income in to the state in lieu of taxes. So I ask myself, how long, O Lord, are we going to fight cheaper power.

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

Mr. CONLEY: Mr. President and Members of the Senate: At the request of one of the Senators, we are not going to maybe put a tirade on for public power today, but I do believe that a few things should be brought out relative to the referendum that was held on the public power question a few years ago. That primarily was put to the people, and prior to it going to the people a poll was taken as to what the general opinion was. I think the poll read something like people were in favor of public power by a ratio of 7 to 1.

We all know the large amounts of money that were spent in the defeat of that bill when it went before the citizens of this state. We secondly recognize the fact that there were deficiencies that were pointed out, or at least it was sold to the public that there were great deficiencies within the bill and, thus, the reason for its demise.

I call your attention to the fact that this particular bill has been worked on by the Committee on State Government. They are trying to present another bill for the public with the referendum attached. They have removed some of those inequities that were spoken of or that were incorporated within the first public power bill that did go to referendum. And I would submit that I believe that had the people of this state had an additional month to vote on the public power question at the time it had been put to them, it would have overwhelmingly passed, particular with the number of problems that came up shortly after it was defeated.

I am going to ask the Senate today to accept the Majority Ought to Pass Report on this bill, and when the vote is taken I ask that it be taken by the "Yeas" and "Nays."

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, I move that this bill be indefinitely postponed, and I would like to mention a few facts, if I can.

The real problem is the high cost of energy. And the high cost of energy is not coming because of the private utilities. The high cost of energy is coming because we have to, especially in the northeast, import oil from the mid-east. This is where the real cost is.

In terms of service and efficiency, I think the Central Maine Power Company and the Bangor Hydro have provided good service and efficiency to the customers.

This bill is setting up a whole new bureaucracy which will parallel that of private utilities, and I don't believe this is really needed. The problem is going to be in the future for cheap energy to find new sources of energy, and this is going to mean probably drilling off the coast for sources of oil, it is going to mean solar power, possibly tidal power, and so on. But a Maine Energy Authority I don't think is going to be the answer to cheap power.

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

Mr. MERRILL: Mr. President and Members of the Senate: When we had the referendum the last time on the public power bill I supported it, now with great enthusiasm, but it seemed to me like a reasonable step in a good direction, and albeit that there were drafting problems in the bill, I supported it.

Since I have come to this legislature and sat on the Taxation Committee and heard the problems of Maine's industries in regards to the price of power, and had a chance to think about the impact of those problems on the industries of this state over the years to come, I have decided that this is something that we are absolutely going to have to do. I have got a feeling that it won't happen this year, but in the near future — it best be now but, if not now, in the near future, there are going to be businesses of this state coming in to this legislature and begging this legislature to do something to provide cheaper power. And this will provide cheaper power because I am convinced that these bonds can be sold as tax exempt bonds, and because when you do that, the money that you have to put up front is cheaper money.

If you look at the alternative sources of energy that are being talked about as the solution of our problems in the future, whether it is nuclear or hydro, the thing that they almost all have in common is that the most telling cost, the biggest cost of producing electricity with those means is the money that you have to come up front. If you produce electricity with oil, the biggest cost you have is the continuing cost of the fuel to drive your equipment to generate the steam. If you go with nuclear, if you go with hydro, the big cost is getting the money together up front. If we can provide through tax exempt bonds for that money to be cheaper, that is going to result in savings. It is going to result in savings to Maine consumers, Maine private and residential consumers, and that is important, but I am afraid that is maybe not enough to convince this legislature that sooner or later the parade of businesses that have been coming before the Taxation Committee with their stories of woe, and I believe many of them, saying that the cost of energy is putting them out of business, and when they have to compete with public

power in New York they just can't do it, and New York can send the products up here cheaper than we can make them here because of the cost of energy here in Maine, I can see that sooner or later those businesses are going to set aside the fear they have of opposing or coming in with a plan that runs counter to the people that they buy a lot of electricity from, and they are going to come in here and they are going to beg this legislature to provide for that cheaper money to provide for cheaper power in Maine so that we can end up with a few industries when we go into the next century.

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

Mr. WYMAN: Mr. President, at the risk of losing friends, I am going to move the previous question.

The PRESIDENT: The Senator from Washington, Senator Wyman, has now moved the previous question. In order for the Chair to order the previous question, it must be the desire of the majority of those present and voting. Will all those Senators in favor of moving the previous question please rise in their places until counted.

A division was had, 19 having voted in the affirmative, and four having voted in the negative, the previous question was ordered.

The PRESIDENT: For what purpose does the Senator rise?

Mr. KATZ: A parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Mr. KATZ: The previous question having been ordered, is debate then automatically terminated or limited at that point?

The PRESIDENT: The Chair would advise the Senator that the debate is now terminated.

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 stand 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 Trotzky, that L. D. 1803 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, R.; Carbonneau, Collins, Corson, Cummings, Curtis, Gahagan, Graffam, Greeley, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, E.; Clifford, Conley, Graham, Marcotte, Merrill, O'Leary, Pray, Reeves.

ABSENT: Senators Cianchette, Cyr, Danton, Hichens, Johnston.

A roll call was had, 18 Senators having voted in the affirmative, and nine Senators having voted in the negative, with five Senators being absent, the motion prevailed.

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, having voted with the majority, I move the Senate reconsider its action 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 indefinitely postponed. Will all those in favor of reconsideration please say "Yes"; those opposed "No".

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

Reconsidered Matter

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

Bill, "An Act to Clarify the Election Laws." (H. P. 1697) (L. D. 1931)

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

Thereupon, on further motion by the same Senator, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Enactors

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

An Act Relating to the Director of the Maine Land Use Regulation Commission. (S. P. 146) (L. D. 509)

An Act to Further the Conservation of Vision. (S. P. 169) (L. D. 556)

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

An Act Relating to the Freedom of Individual Health Insurance Policyholders to Choose a Psychologist to Provide Mental Health Services. (H. P. 1024) (L. D. 1303)

An Act Relating to the Freedom of Group Health Insurance Policyholders to Choose a Psychologist to Provide Mental Health Services. (H. P. 1025) (L. D. 1304)

An Act Relating to Nomination by Petition. (H. P. 1128) (L. D. 1404)

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

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

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

Mr. TROTZKY: Mr. President and Members of the Senate: I very strongly object to this item which essentially is eliminating the right of oral cross-examination by an intervenor.

I think we have seen something in the last couple of weeks here where the Pittston Company's application has been approved by the Board of Environmental Protection, even though we did have oral cross-examination by Intervenor.

What this bill does again, all it does is say that the intervenor submits written questions to the Chair and then the Chair can ask those questions at the Chair's discretion. Right now the Commissioner of the Department has a right to end cross-examination if it is not relevant. We see here in this Senate that we have a certain freedom, a freedom to get up and speak out and talk. Democracy is not always the most efficient system, but it is the system we believe in, and I feel that

this bill is really not fair in the light of the Board's decision, and if we have an extra few hours of cross-examination, it is not going to cost the state that much but it may, as it has in the past, turn up deficiencies in applications.

So I would move that this bill be indefinitely postponed.

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

Mr. PRAY: Mr. President and Members of the Senate: We have debated this issue at hour's end, and it is late in the day today, so I would just ask for a division on that motion and hope that the Senate in its wisdom would vote against the motion.

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

Mr. O'LEARY: Mr. President, there has been much debate back and forth over words like "interest" or "affected". It has always been made perfectly clear, however, by the same debate that the intention of all of us, regardless of the choice of words, is to correct the abuse of prolonged oral cross-examination by those who are not being substantially affected. Senator Merrill made this clear when he confirmed this intention and called the difference one of semantics.

As sponsor of this bill, I am pleased that it had got this far. I would like to remind the Senate of the vote last week on this bill, 24 to 5 ought to pass. The committee was 10 to 3 ought to pass. I am sure you all remember and have fresh in your minds the statements made on this floor by the good Senator from York, Senator Roberts. But I would submit to you that this bill does nothing to destroy FOIL, CRAC, PIRG or the NRC. It will not do anything in any way to our environmental laws. But the sun is setting on these people. The days of harassment are setting, and the days of interminable questioning.

I will cite the case of Pittston on the coast: 167 pages by the applicant, over 2,000 pages put into that record by the intervenors, and at a cost of \$1,000 a day to the people of the State of Maine.

This bill will save the state money and it will destroy our image of being anti-business. It will bring business into our state that will be clean, give us good jobs, good paying jobs, and they will conform to our environmental laws. They will have to; this bill does not destroy that.

The Board of Environmental Protection, with its staff and with its deputy attorney general, can question the applicant and get all the information necessary to make a decision. The intervenors can still present all their testimony, all their expert witnesses in opposition if they wish, and they can submit written questions to the Board. This will in no way destroy that right. But it will not prolong the hearings extensively. This bill will help the economic growth of this state, and I hope you will vote against the pending motion.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that L. D. 1152 be indefinitely postponed.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

The PRESIDENT: A roll call has been requested. In order for the Chair to order a

roll call, it must be the expressed desire of one-fifth of those Senators present and voting.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: This bill has been debated a number of times in this chamber, and it appears to me that there have been all kinds of accommodations reached on both sides. So it seems strange to me at this late hour that a motion would now be made to indefinitely postpone this bill.

As the good Senator from Oxford, Senator O'Leary, has stated, this has been overwhelmingly supported by this Senate and overwhelmingly supported in the other body, and I would hope that the Senate would not move to defeat this bill at this time.

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

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: I just want one last chance to explain something. It says here a party has full rights, if that party is someone substantially affected by the outcome. Now, what that means is that someone who is living near where, let's say, where Pittston is going to locate, or someone living near Sears Island, is going to be a party under this law. And what they are going to do, the intervenors that you talk about, whether it be CRAC or FOIL or any of these other ones, they are just going to attach to that party. The only way this bill is going to hurt is that those environmental organizations are not going to be able to raise money as they are able to do now. But they will attach to someone, living next to the development and they still will have the same rights of oral cross-examination. But the bill will hurt the ability of these organizations to raise money.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that L. D. 1152 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, R.; Collins, Curtis, Graham, Huber, Katz, Reeves, Speers, Trotzky.

NAYS: Senators Berry, E.; Carbonneau, Clifford, Conley, Corson, Cummings, Cyr, Gahagan, Graffam, Jackson, Marcotte, McNally, Merrill, O'Leary, Pray, Roberts, Thomas, Wyman.

ABSENT: Senators Cianchette, Danton, Greeley, Hichens, Johnston.

A roll call was had. Nine Senators having voted in the affirmative, and 18 Senators having voted in the negative, with five Senators being absent, the motion did not prevail.

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

Mr. O'LEARY: Mr. President, having voted on the prevailing side, I would move we reconsider our action and hope everyone will vote against me.

The PRESIDENT: The Senator from

Oxford, Senator O'Leary, now moves that the Senate reconsider its action whereby the motion to indefinitely postpone this bill did not prevail. All those Senators in favor of reconsideration will please say "Yes"; those opposed will say "No".

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

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

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.