

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

Wednesday, June 18, 1975

Senate called to order by the President.

Prayer by Rev. Daniel Tuttle, East Winthrop Baptist Church, East Winthrop:

Almighty and eternal God, Thou art from everlasting to everlasting, we the children of the day bow before Thee before taking up our duties for this day, thanking Thee for another day of life, for the privilege of standing where now we stand, for the trust of our fellow citizens without which we would not be here. For this, our State, we give Thee thanks, and for those of former generations because of whose labors our state is what it is today. Bless, we pray, the governor of this state and those who share with him positions of responsibility. Give to them and to each one of us insight, compassion, patience and wisdom. For the proud history of this chamber we give Thee thanks, and we pray that we, during our brief hour here, may so labor that in days to come it may be said of us that we built not only for the present but for the future.

During these closing days relieve the monotony of our daily tasks by giving to us renewed interest and strength and an unflagging sense of the importance of what we do. Help us to fulfill the responsibilities that are ours this day and the days to come, for Thy name's sake, we pray. Amen.

Reading of the Journal of yesterday.

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

Joint Order (H. P. 1715) Relative to State's Personal Income Tax Form.

In the House June 16, 1975, Read and Passed.

In the Senate June 17, 1975, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mr. KATZ: Mr. President, the information between the two houses was not very timely. The purposes of this joint order already having been accomplished, I move that the Senate adhere.

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

The motion prevailed.

Non-concurrent Matter

Bill, "An Act to Allow Municipal Approval of Routine Great Ponds Permits." (H. P. 662) (L. D. 836)

In the House June 16, 1975, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-762).

In the Senate June 17, 1975, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

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

Mr. Collins of Knox moved that the Senate Adhere.

Mr. O'LEARY of Oxford then moved that the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator has the floor.

Mr. O'LEARY: Mr. President and Members of the Senate: I feel sure in a committee of conference we can work out the objections to this bill. This bill, as it was reported out with the committee

amendment, has the approval of the Department of Environmental Protection, and I am sure that we can work with the Congress of Lakes Association once again and come up with a real good piece of legislation. So I hope you would join me.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate insist and join in a committee of conference.

The Chair recognizes the Senator from Knox, Senator Collins.

Thereupon, on motion by Mr. Collins of Knox, a division was had. 16 having voted in the affirmative, and 12 having voted in the negative, the motion prevailed.

**Joint Order
State of Maine**

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

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

The Maine Jaycees
Selected By The United States Jaycees
Convention

As The Leading Jaycee State Organization
In The Nation

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

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1721)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, the Legislature's unwillingness to authorize a bond issue for acquisition and construction of care and treatment facilities for the severely and profoundly mentally handicapped has raised questions pertaining to the types and costs of facilities and services which are appropriate for various types of mentally retarded individuals; and

WHEREAS, such questions still lack definitive answers; and

WHEREAS, the study conducted in accordance with S.P. 641 during the 106th Legislature by the Joint Standing Committee on Health and Institutional Services focused only on issues arising from the policy of deinstitutionalization and neglected issues relevant to mentally retarded individuals who have never resided in state institutions; and

WHEREAS, due to severe time constraints in conducting this study, that committee was not able to base its recommendations on sufficient data, consider input from persons other than representatives of the Bureau of Mental Retardation, offer any priority of programs essential to the effective, efficient delivery of services to the mentally retarded population which have the greatest need for services; and

WHEREAS, the Joint Standing Committee on Health and Institutional Services recognizes the importance of priority services and designating target groups for the mentally retarded population in this State, including

individuals residing not only in state institutions but also in community facilities and in their homes; and

WHEREAS, failure to consider and respond to such issues raises questions regarding the effectiveness and efficiency of the delivery system of services to the mentally retarded; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Health and Institutional Services of the 107th Legislature to gather and analyze data, determine a priority of services to the mentally retarded, designated target groups having the greatest need for such services and recommend the most effective and efficient means of service delivery; and be it further

ORDERED, that in conducting its study the committee consider input not only from departmental officials but also from representatives of the mid-management and line levels of both the Department of Mental Health and Corrections and the Department of Health and Welfare, from administrators and staff of residential facilities and other programs based in the community, from families of the mentally retarded and from mentally retarded individuals themselves; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1724)

Comes from the House, Read and Passed.

Which was Read.

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

Communications

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

June 17, 1975

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

The Chair appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Extend the Jurisdiction of the Human Rights Commission to Grievances of Ex-offenders" (H. P. 1114) (L. D. 1416):

Representatives:
CONNOLLY of Portland
DAVIES of Orono
McMAHON of Kennebunk

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 17, 1975

Honorable Harry N. Starbranch
Secretary of the Senate

107th Legislature

Augusta, Maine

Dear Mr. Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools" (S. P. 476) (L. D. 1609)

Representatives:

KELLEHER of Bangor
FLANAGAN of Portland
FENLASON of Danforth

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Wyman of Washington,

WHEREAS, it is appropriate for the Legislature to recognize publicly any Maine person who has achieved prominence in his field of endeavor as well as in civic affairs; and

WHEREAS, E. Robert Kinney, presently residing in Minneapolis, Minnesota, was born in Burnham, Maine, educated in the elementary schools of Pittsfield, Maine, graduated from M.C.I., and from Bates College; and

WHEREAS, E. Robert Kinney continues his strong interest in the State of Maine and serves actively on the Board of Trustees at Bates College; and

WHEREAS, E. Robert Kinney pursued a life of business here in the State of Maine by packing fish products and then later moving on to become President of Gorton's of Gloucester, Massachusetts where he restructured and greatly developed the business; and

WHEREAS, E. Robert Kinney moved from Gorton's of Gloucester to General Mills of Minneapolis, Minnesota, the producer of Betty Crocker products, along with many other foods, and subsequently became President of this company which is among the largest food producers in the nation; therefore, be it

ORDERED, the House concurring, that in acknowledgement of the accomplishments and prominence of E. Robert Kinney in the field of business as well as his continuing interest in civic affairs, the members of the 107th Legislature extend sincere congratulations and recognition to E. Robert Kinney for his accomplishments in business, as well as his service to others; and be it further

ORDERED, that this Joint Order shall be recorded in the records of the 107th Legislature and a suitable copy therefore forwarded to the said E. Robert Kinney. (S. P. 586)

Which was Read.

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

Mr. WYMAN: Mr. President and Members of the Senate: We often honor a great many of our citizens who live here and have great accomplishments in the field of athletics and other areas, and at this time I would like to honor a boy who was born in Burnham Junction, who got his education in Pittsfield, Maine, graduated from M.C.I., who is a trustee of Bates College, graduated from Bates, and has gone far in the business world. I will not take more time of the Senate to discuss

this because it is all written in the order, and I now move its passage.

The PRESIDENT: Is it now the pleasure of the Senate that this Order receive Passage?

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

Committee Reports House

Ought to Pass - As Amended

The Committee on State Government on, Bill, "An Act Consolidating the Statutes of the Maine Guarantee Authority." (H. P. 1389) (L. D. 1805)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-592).

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.

Thereupon, under suspension of the rules, the Bill, as Amended, 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 to Abolish the Maine Milk Commission, the Maine Dairy Council, and the Maine Milk Tax Committee, to Transfer Certain Functions of the Maine Milk Commission to the Commissioner of Agriculture, to Provide for the Monitoring of Butterfat and Bacteria Tests of Dairy Products, to Establish Unit Pricing of Consumer Commodities and to Establish Open Dating of Food." (H. P. 700) (L. D. 846)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York
JACKSON of Cumberland
JOHNSTON of Arroostook

Representatives:

MAHANY of Easton
HALL of Dover-Foxcroft
ROLLINS of E. Dixfield
TORREY of Auburn
TEAGUE of Fairfield
ALBERT of Limestone
CARROLL of Limerick
DYER of So. Portland
WILFONG of Stow

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

Signed:

Representative:

BERRY of Buxton

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

Mr. Conley of Cumberland moved that the Senate accept the Minority Ought to Pass Report of the Committee.

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

Mr. HICHENS: Mr. President, Yesterday we passed a bill which sets up a whole new Milk Commission. I can't think of the number of the bill, but it was entitled to repeal the retail pricing of milk. The committee put a lot of time into it, the legislature accepted it, and it consequently takes care of the content of this bill. So I would ask for a division on that motion.

The PRESIDENT: The Chair recognizes

the Senator from Cumberland, Senator Conley.

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

Mr. CONLEY: Mr. President and Members of the Senate: There are many of us who in the early stages of the bill that the good Senator from York, Senator Hichens, referred to that at one time wanted to get a roll call on the repeal of the Maine Milk Commission. The vehicle presently before us does exactly that, and I feel that the bill that was passed may have been some type of a compromise dealing with the Maine Milk Commission, but I certainly don't believe that it solves or is going to take care of the problems that people particularly in my area of the state are concerned with. Therefore, when the vote is taken, Mr. President, I would ask that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, the good Senator from Cumberland, Senator Conley, has referred to his great desire to have a roll call on the question of doing away with the Maine Milk Commission altogether. I would submit that the Senate has voted on this question and the other body as well, and a bill has been coming along — it may already have been enacted, I think — regarding this entire question. The bill in front of us really, and the vote to be taken this morning, really cannot be considered to be a vote on the question of repealing the Maine Milk Commission altogether.

I note that there is a good deal more involved in this particular bill, several questions involved, as a matter of fact, and the issue already having been decided and already having been voted upon by both of the bodies, it seems to me to be an attempt, a rather crass attempt I would say, on the part of the minority leader of this body, to embarrass or place individuals in a position of political advantage or disadvantage. The vote to be taken in no way can be construed as a vote to do away with or maintain the retail pricing of the Maine Milk Commission. That issue has already been decided by both of these branches.

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

Mr. CONLEY: Mr. President and Members of the Senate: If you recall — and I am not trying to make this a partisan issue whatsoever, because I am sure that there are people in both parties that have reservations toward the abolishment of the Maine Milk Commission — but I would certainly point out this morning that both parties carry within their platforms planks that call for the abolition of the Maine Milk Commission.

I would also like to inform the Senate that the very bill that we are voting on here this morning is a bill that was being initiated by the statutory referendum provision within the constitution and was just barely kept out of this legislative session by the lack of a very few signatures.

Even though as the Senator from Kennebec, Senator Speers, has stated, that we have passed legislation, I am very sure that there will be another attempt by citizens within the state to submit this bill that is before us to go to the people. So I don't think that the issue of the Maine Milk

Commission has been totally cleared up. The fact that some very minor amendments have been made to the present law I know will not satisfy the people in my area of the state. Therefore, Mr. President and Members of the Senate, not wanting to belabor this issue any further, I would move the question.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must have the expressed desire of one-fifth of those Senators present and voting.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I move that L.D. 846 and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves that L. D. 846 be indefinitely postponed together with all its accompanying papers.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending the motion by Mr. Jackson of Cumberland that the Bill be Indefinitely Postponed.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to Snow Removal on Accepted Ways." (H. P. 734) (L. D. 917)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo
CYR of Aroostook
McNALLY of Hancock

Representatives:

LUNT of Presque Isle
ALBERT of Limestone
BERRY of Madison
STROUT of Corinth
JENSEN of Portland
WINSHIP of Milo
KAUFFMAN of Kittery

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

Signed:

Representatives:

JACQUES of Lewiston
FRASER of Mexico
WEBBER of Belfast

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Provide for More Effective Debt Management and for More Effective Administration of the State's Development Financing Capability." (H. P. 1398) (L. D. 1820)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1709) (L. D. 1936)

Signed:

Senator:

GRAHAM of Cumberland
Representatives:
COONEY of Sabattus
KANY of Waterville
WAGNER of Orono
PELOSI of Portland
QUINN of Gorham
CARPENTER of Houlton

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

Signed:

Senators:

CURTIS of Penobscot
WYMAN of Washington

Representatives:

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

Comes from the House, Bill and accompanying papers Recommended to the Committee on State Government.

Which reports were Read.

On motion by Mr. Graham of Cumberland, recommended to the Committee on State Government in concurrence.

Second Readers

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

House — As Amended

Bill, "An Act to Establish Minimum Warranty Standards for New Residential Dwellings." (H. P. 575) (L. D. 710)

Which was Read a Second Time.

Mr. Marcotte of York then moved that the Bill be tabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

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)

Which was Read a Second Time.

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

Enactors

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

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

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

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

An Act to Allow Payment of Unemployment Compensation Benefits During Labor Day Disputes Caused by Failure of the Employer to Correct Hazardous Working Conditions. (H. P. 825) (L. D. 1008)

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

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

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

An Act to Define the Responsibilities of the Bureau of Labor and the Public Employees Labor Relations Board. (H. P. 1371) (L. D. 1780)

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

Which were Passed to be Enacted and, having been signed by the President, were

by the Secretary presented to the Governor for his approval.

An Act to Make Available Wood Fuel for Low-income Citizens. (H. P. 1228) (L. D. 1754)

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

Mr. CYR: Mr. President and Members of the Senate: This is the wood cutting bill to allow low income people to cut wood on public lots. It was debated before and I think you know my feeling on it.

First of all, most of the public lots are not identified. Public lots may be anywhere in a township; they are not identified, so how are you going to know whether you are on a public lot or not?

I also mentioned the question of safety. I also mentioned the question of who is going to pay for chain saws and the operation of chain saws. It is quite a problem. If you are going to have to pay \$150 for a chain saw to go cut two cords of wood for free, the State of Maine would be better off to just give him the money to go buy it from a dealer that deals in wood.

In this morning's paper, I would like to bring your attention to the article "Woodcutters Organizing to Fight Control by Mills." And they state this: "Hagerty said the cutters will seek to improve working conditions and safety practices in what he says is the most hazardous occupation in the nation next to deep shaft underground mining." I question also who is going to pay for liability insurance on these cutters, and that is a serious problem. If these are low income and they get hurt cutting, you know very well what is going to happen. The State of Maine will have to take care of their hospitalization and will have to take care of their wages, and will have to take care of the family in case of death and everything else. So I think it is just a bad bill and I move the indefinite postponement and ask for a division.

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

Mr. O'LEARY: Mr. President and Members of the Senate: This bill, as I understand it, will allow these people to cut wood up to two cords on public lands. These trees will be marked and these will be the only trees cut.

I don't share the concerns of the good Senator from Aroostook, Senator Cyr, when he talks of the safety aspects of it, because I remember as a young boy during the depression when the only method we had to heat our home with was wood. At that time I, along with my grandfather and father, would go to where we had purchased stumpage and cut up to eight cords of wood in the months of August and September when they were on their days off, and then take it home and get the saw rig and split it and throw it in the cellar and such. And I think if anyone has the opportunity to cut two cords of wood, we may think of some of the oil we will be saving. There is nothing in this bill to be concerned with that is going to do any harm to our public lots.

I think it is a good piece of legislation. It came out of committee with a majority Ought to Pass Report so, therefore, I hope you will support the bill.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I would just like to explain what the bill is so we know what we are voting on here. What this bill does is

that the Department of Conservation is authorized and the words are here "and directed," which I am not in favor of, but they are authorized to enter into contracts with other agencies of the state, other agencies responsible for the public health and welfare. These agencies then contract out for the cutting of wood, not to individuals, and then this wood is delivered to people with low incomes, and then the people with low incomes pay, as I understand it, the full price of what it cost to cut the wood.

My concern is here that the bill can be very misleading because it is going to end up costing, after one agency contracts with another state agency and then they contract out to have the wood cut and deliver it to the low income people, it is going to cost more by that time. So the bill doesn't state that an individual can go out on the public lands and cut wood.

The other thing that bothers me in the bill — I don't mind the words that the Department of Conservation is authorized to start a program like this, but it also states that the department is directed to do this. And right now the Bureau of Public Lands is very busy with its staff in trying to get hold of the public lots, the swapping of the public lots and so on, so I feel at this point that this bill is somewhat premature.

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

Mr. MERRILL: Mr. President, could I ask the Secretary to read the committee report on this bill?

The PRESIDENT: The Secretary will read the committee report.

The SECRETARY: The Committee on Natural Resources, to which was referred the Bill, "An Act to Establish the Citizen Wood Cutting Act", Emergency, (H. P. 1228) (L. D. 1754), have had the same under consideration and ask leave to report that the same Ought to Pass as amended by Committee Amendment "A". Signed by Raymond J. Curran for the Committee.

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

Mr. MERRILL: Mr. President, this being a unanimous report of the committee, I would now like to ask through the Chair of the Senator from Penobscot, Senator Trotzky, if this is not the report that he argued for, voted for, and prevailed on the last time this issue was before the Senate?

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to the Senator from Penobscot, Senator Trotzky, who may answer if he so chooses.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: What I did is indefinitely postpone Committee Amendment "B". What Committee Amendment "B" would have done is allow individuals to go off onto the public lands and in the parks and start cutting wood. It would have also directed these departments to go out and start marking these trees.

On the bill itself, I have been in contact with the Director of the Bureau of Public Lands, and what he objects to is the words "and directs" the Bureau of Public Lands to start taking action. So this did not come up at the committee hearing when the committee discussed this.

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

Mr. COLLINS: Mr. President, in my youth I split a great many cords of wood and I know something about the problems of gathering wood in the forest. And I would suggest to the Senate that if the state were to take the money that it will expend in marking these trees and administering the policing of this act, and give it directly to these low income people who might need it, the low income people would be a great ways ahead in the State of Maine also. And I will support the motion by the Senior Senator from Aroostook.

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

Mr. McNALLY: Mr. President and Members of the Senate: Having just gone through another revision of the Fish and Game license fees, and knowing that we have now cut them right down to absolutely the bone, I am going to go along with Senator Cyr, because it says here, "Supervision. Employees of the Bureau of Public Lands, in cooperation with wardens of the Department of Inland Fisheries and Game and the employees of the Department of Conservation, shall oversee and supervise the cutting of firewood in designated areas", and so forth. And I am sure there is nothing in the amount of money that we are giving the Fisheries and Wildlife outfit that will allow for that.

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

Mr. MERRILL: Mr. President, I think we have probably debated this bill enough. I just want to make two quick points.

First of all, I wish that before the Senate votes that they would look at the enactor version of this bill so that they can see that many of the references that have been made today are being made to a bill that is no longer before us. It has been amended and changed, specifically in regard to comments just made.

The other thing is that I noted in today's paper that there is criticism, I think for the most part unjust, of the Maine Legislature that we have done nothing to look at the energy problem. This obviously isn't any great answer to that problem, but it is a small step and it is one that I think could be helpful to some of the people who would be the recipients of it.

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

Mr. McNALLY: Mr. President, probably being a little hard of hearing, I am very sorry that I didn't hear what amendments were attached to this bill. Could they be read again?

The PRESIDENT: The Secretary will read the amendments.

The SECRETARY: This bill was passed to be engrossed as amended by Committee Amendment "A". The filing number of Committee Amendment "A" is H-523.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Aroostook, Senator Cyr, that L. D. 1754 and all its accompanying papers be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I would just like to point out that of the people who are voting for this bill, which I think is very frivolous, many of them also voted quite vehemently against the bill of the good Senator from Penobscot, Senator Cummings, on solar

energy, and I would just like them to remember their vote on that bill.

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

A division was had. 21 having voted in the affirmative, and nine having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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

Emergency

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

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

Emergency

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

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

Reconsidered Matter

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

Mr. CYR: Mr. President and Members of the Senate: On Bill, "An Act to make Available Wood Fuel for Low-income Citizens" (H. P. 1228) (L. D. 1754), having voted on the prevailing side, I now move reconsideration and hope you vote against me.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now moves that the Senate reconsider its action whereby L. D. 1754 was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

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

Orders of the Day

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

Bill, "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)

Tabled — June 17, 1975 by Senator Speers of Kennebec.

Pending — Reconsideration.

The PRESIDENT: The Chair recognizes

the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I think we have a real crisis coming in the matter of medicine and I do want to be on record as favoring this medical school. Sometimes I think of an old saying I have heard "When faced with inevitable rape, relax and enjoy it", so I am not going to fuss about this at all.

But it developed yesterday that we have 1200 doctors in the State of Maine who are members of the Maine Medical Association, and out of the 1200 only 300 are general practitioners. Now, you stop and think about how few general practitioners we have. I think that makes a point that we have got a real problem there because these general practitioners have an average age of 59 years, and what are we going to do in a few years if we don't do something to train more doctors and if we don't have a medical school?

My second point is why does Vermont or New Hampshire or these other states want to train doctors to come to Maine? They are not doing it and I don't think they want to.

So, finally, I will just say I think we have a crisis, I think we are not facing up to it, and I think in a few years we are going to have a real problem to obtain general practitioners. Thank you.

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

Mr. KATZ: Mr. President, I have read and reread the Governor's veto message on the medical school. The Governor actually addresses himself to three areas, and actually they are the three areas that preoccupied the Maine Senate in our debate.

First, the need for access for Maine youngsters to go to medical school to become doctors.

Second, the need for improved medical health care for Maine people.

And third, all this within the ability of Maine people to pay.

All these three things were intertwined with his message to the Senate which we received yesterday. I hope that the Senate votes to sustain the veto of the Governor, because I think the case that was made during the legislative debate and the case that the Governor makes clearly indicates that from the very first day this has been an expensive and very controversial issue that was decided by a vote here and a vote there during its passage through these legislative halls.

But the presentation of this legislation by the Senator from Penobscot, Senator Cummings, I think has accomplished a very, very meaningful thing for the state. It has pointed up to us that we really have no policy for health care in the state that is comprehensive and all inclusive. It points out that about all we have done is appropriate dollars to send youngsters to medical school without having any program to first assign some portion of the cost to the student and some portion of the cost to the state. It has been a healthy debate, it has had its emotional highs and lows for all of us, and I hope that the Senate now in sustaining the Governor's veto still realizes the problem has to be faced by succeeding legislatures.

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

Mrs. CUMMINGS: Mr. President and

Members of the Senate: I think one of the basic problems with this bill was the inability of those of us who were promoting it to substantiate the facts and figures which we put forth, which I thoroughly believe, showing that a medical school could have been supported at a great deal less than the astronomical figures of 5 and 10 million dollars a year that were presented by the opposition.

It was a question again, I think, of comparing the innovative system such as we presented with the old-fashioned methods of teaching medicine in Massachusetts and other states where so much money was put into first constructing and then maintaining buildings, laboratories and dormitories. I am hoping that in the near future some of these things will be substantiated, and I am just hoping that all of you will keep your eyes open for things that will be coming out because we live to rise again.

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

Mr. WYMAN: Mr. President and Members of the Senate: Just one more point. The doctors feel so strongly about it that they have appropriated approximately \$90,000 right now to start this program.

Secondly, I think one thing that is hurting it terribly is because it is tied in with the University of Maine, and I think most of you know why. But it isn't practical to tie it in with Bowdoin or any other school, and it must be tied in with the University of Maine, if we have it, and I think that has hurt it a great deal.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like to take this opportunity to confirm my stand on the reason I have been supporting a medical school. I think it is unfortunate that our chief executive does not have a better rapport with the trustees of the University system, for I feel without any question that a medical school for the State of Maine should be a priority amongst the higher education programs.

I do believe that with the proper considerations, the proper dialogue, and the proper discussion about this whole matter that it could be worked out, that the medical school could be set up in lines of priority with the other types of schools that the University system has. And I do believe that if that were done, and done in a very forthright and open manner, that we would determine that the medical school would have a higher priority than some of the programs we are now running.

On that basis, I still support the medical school. I don't support more taxes. I do wish this thing could be overridden this morning and it might force this dialogue that could lead to a successful medical school. I am going to vote to override the veto and I hope the Senate will do the same.

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

Mr. BERRY: Mr. President, I was just going to sit back and enjoy the debate until I heard my good Senator friend from Somerset, Mr. Cianchette, make the statement that he is going to support the spending but he doesn't like the taxes that go along with it. This is certainly a departure from his usual responsible method of conducting state business. Of

course, he puts his finger right on the problem, and that is the cost involved here.

I think every single one of the 33 of us are totally in agreement that a medical school in the end would be beneficial to the State of Maine, but certainly the state can't afford it. I think it is not fair to say that a vote for this is a vote for the income tax increase, but if we look at our budget and all the things that this legislature is doing, postponing the starting of programs for the next fiscal year, doing all the little things we are quite familiar with doing, and adding this on top, is far more than the straw that is going to break the camel's back. With absolute certainty this is going to create in the future a tremendous financial load. I think this is the issue, the ability of the state to pay for it and, in my opinion, the state is not able to afford a medical school.

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

Mr. CURTIS: Mr. President, I will also vote to override the veto. I have two concerns. One is the lost opportunity, in particular regarding the funds that are available now from the Veterans Administration and almost certainly will not be in the future. The second thing I would like to point out is that from the very first time that this medical proposal has been made, at all of the meetings that I have attended, from the Chamber of Commerce in Bangor to meetings here, I have asked where is the support of the medical profession. And I see on the front page of today's Bangor Daily News that that support is certainly there, vocally and also in terms of private contributions from members of the medical profession. I think it is too bad that that is a little late, and I think it is probably testimony to the fact that our good doctors and other people concerned with medical coverage have been providing medical services rather than being concerned with the day to day operation of a potential bill. But I will vote to override.

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

Mr. CYR: Mr. President and Members of the Senate: I voted in favor of this bill right along, although I have had my reservations. However, in the first part of May I happened to be visiting a member of my family in Boston who is a member of Leahy Clinic staff and has been there for 33 years — he is head of Internal Medicine — and we had quite a discussion. This was just at the time that this bill was being debated here and I had quite a discussion with him. As a result, of course, of my conversation, I kept on voting for the bill, but with certain reservations.

The reservations I have had is that no one so far has come out with the number of qualified and willing doctors that would be available to teach some of these courses. Now, as he pointed out to me, a lot of doctors may be qualified for their field, but are they willing and are they qualified to teach? If they are qualified to teach, are they willing to teach medicine? It is two different things entirely. Also, how many hospital facilities do we have for the internship of these doctors? That has never been proven, at least to my satisfaction.

I asked him point-blank why doesn't Harvard Medical School or Tufts, or some of these other medical schools, expand and take care of our need to train more doctors. He told me one of the reasons was

that they didn't have enough hospital facilities in Boston to take care of the internships and the residencies of some of these doctors. Yet you go to Boston and on every second street you find a hospital. Now, what are we going to do in the State of Maine? Now, he suggested to me that possibly another approach would be more logical for the State of Maine, where we are a small population and we have low income people, and that is the possibility of having the University of Maine give a good two-year basic science course, and then after these two years the number of candidates that we would train in these basic sciences could be easily assimilated in our present medical schools that we have around the country. Where the crowding condition comes in is in the first and second year, in the first two years, and he mentioned that our small number that would come out of Maine could very easily be assimilated into those schools. I think that is the avenue that we should be at least exploring.

Now, this veto is going to bring this to a head, and I think it has been a good discussion. I voted for it, as I told you, with reservations. I wanted this bill to have a good airing in these halls, and it has had, and I think a lot of good is going to come out of it. We are not going to focus just on one avenue, but we should have some other alternatives that we should be exploring. For those reasons, I am going to sustain the Governor's veto because I think he is right on this one.

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

Mr. WYMAN: Mr. President, when we vote, I hope we will stop to think that we have a real crisis here, with only 300 general practitioners in the state and their average age is 59 years old. I also hope we will stop to think that we are spending a quarter of a billion dollars on education, and a million or a few million to educate doctors is a very small percentage of it. And I do want to compliment the good Senators from Cumberland, Senator Merrill and Senator Conley, where they have very good medical facilities — I don't know how they are going to vote today, but all along they have supported this bill and I want to compliment them on it.

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

Mr. CYR: Mr. President and Members of the Senate: There is one more point that I forgot to bring out, and it disturbs me very much. The whole burden of training new doctors will rest on taxes, and yet today while we were discussing this bill previously there was an optometrist who was sitting right in back of me here, and he was telling me that his son graduated from a medical school last July and he is going to make \$72,000 income this year.

Now, most of the doctors can become small millionaires, little millionaires, within ten years after they graduate from medical school, and yet we have, through taxes, to pay for their training. And there is no redemption clause in this. And there is no way whatsoever to know whether we are going to keep them in Maine or not. This disturbs me very much. So whatever program that may come out of this discussion, I hope that we are going to be keeping that in mind. I am not against training them for taxes, but I would certainly like to have a redemption clause whereby they are going to pay it back to the State of Maine and have a revolving fund that we can use. Those that are

capable of paying as they go along should be paying, and those that are not, and take advantage of the program, there should be a redemption clause whereby they are going to be required to make payment back into the revolving fund.

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

Mr. MERRILL: Mr. President and Members of the Senate: I have two quick comments. Evidently the Senator from Aroostook, Senator Cyr, has forgotten the amendment that the Senate put on this bill. I would advise it for his reading in regard to his previous remarks.

More importantly, I would just like to say that there are a lot of people inside and outside this legislature that worked awfully hard to provide for the establishment of a medical school in Maine. Those of us inside the legislature are pretty used to working hard on things and seeing that some of them are accepted and some of them aren't; it is part of the process that we get used to and we can live with it. For those outside of this legislature that worked so hard to bring this facility to the people to improve the health care delivery system in the state, I would just like to say that if we don't override the veto today that, as a Maine citizen, I am glad that they put all the work in that they did. I hope that they will continue in that endeavor, and I hope that they will know that there are many among us, no matter how we are divided on this issue, that applaud them for their efforts and for their concern.

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

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Cianchette, Collins, Cummings, Curtis, Gahagan, Graham, Merrill, Pray, Troitzky, Wyman.

NAYS: Senators E. Berry, R. Berry, Carbonneau, Clifford, Conley, Corson, Cyr, Danton, Graffam, Greeley, Hichens, Huber, Jackson, Katz, Marcotte, McNally, O'Leary, Reeves, Roberts, Speers, Thomas.

ABSENT: Senator Johnston.

A roll call was had. 10 Senators having voted in the affirmative, and 21 Senators having voted in the negative, with one Senator being absent, the veto of the Governor was sustained.

The President laid before the Senate the second 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 17, 1975 by Senator Speers of Kennebec.

Pending — Reconsideration.

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

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

Bill, "An Act Amending the Elderly Householders Tax and Rent Refund Act to

Expand Eligibility to Recipients of Supplemental Security Income." (H. P. 104) (L. D. 101)

Tabled — June 17, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — passed to be Engrossed as Amended by Committee Amendment "A" (H-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 until later in today's session, pending Passage to be Engrossed.

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

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

Tabled — June 17, 1975 by Senator Speers of Kennebec.

Pending — Enactment.

(In the House — Passed to be Enacted.)

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.

The President laid before the Senate the fifth 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 — June 17, 1975 by Senator Speers of Kennebec.

Pending — Enactment.

(In the House — Passed to be Enacted.)

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

Mr. BERRY: Mr. President, the Governor has signed into law the Act previously enacted by us which has reinstated now the availability of lobster licenses to all the citizens of the State of Maine. Accordingly, I move this bill be indefinitely postponed and sent down for concurrence.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that L. D. 1923 be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Washington, Senator Wyman.

Thereupon, on motion by Mr. Wyman of Washington, tabled until later in today's session, pending the motion by Mr. Berry of Cumberland that the Bill be Indefinitely Postponed.

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

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

Tabled — June 17, 1975 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-755).)

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

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

The following Bill was held on June 17,

1975, at the request of Senator Speers of Kennebec, pending Consideration:

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

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-750), as Amended by House Amendment "A" Thereto (H-759).

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

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

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

Papers from The House

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

House Papers

Bill, "An Act Relating to the State Truth-in-Lending Act." (H. P. 1722) (L. D. 1941)

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

Under suspension of the rules, the Bill was given its First and Second Readings.

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

Bill, "An Act Relating to the Town of York School District and to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 1." (H. P. 1727)

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

Under suspension of the rules, the Bill was given its First and Second Readings.

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

Communications

State of Maine

One Hundred and Seventh Legislature

House of Representatives

Office of The Clerk

Augusta, Maine 04330

June 18, 1975

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

Dear Mr. Secretary:

The Chair appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Change the Participation of Employees in the Classified Service in Political Campaigns" (H. P. 1041) (L. D. 1331):

Rep. BOUDREAU of Portland

Rep. HOUGHES of Auburn

Rep. STUBBS of Hallowell

Respectfully,

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Reconsidered Matter

Mr. Berry of Cumberland moved that the Senate reconsider its action of earlier,

in today's session whereby the veto of the Governor was sustained on the following:

Bill, "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)

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

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following tabled and Specially Assigned matter:

Bill, "An Act Relating to the State Truth-in-Lending Act." (H. P. 1722) (L. D. 1941)

Tabled — earlier in today's session by Mr. Speers of Kennebec.

Pending — Passage to be Engrossed.

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

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

(Off Record Remarks)

On motion by Mr. Danton of York,
Recessed until 4 o'clock this afternoon.

After Recess

Called to order by the President.

Reconsidered Matter

The following Joint Order was held earlier in today's session by Senator Wyman of Washington, pending Consideration:

JOINT ORDER — Relative to E. Robert Kinney. (S. P. 586)

(In the Senate — Read and Passed.)

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its action of earlier in today's session whereby the Joint Order received Passage.

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

Senate Amendment "A", Filing No. S-336, was Read and Adopted and the Joint Order, as Amended, received Passage.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Agriculture — Bill, "An Act to Abolish the Maine Milk Commission, the Maine Dairy Council, and the Maine Milk Tax Committee, to Transfer Certain Functions of the Maine Milk Commission to the Commissioner of Agriculture, to Provide for the Monitoring of Butterfat and Bacteria Tests of Dairy Products, to Establish Unit Pricing of Consumer Commodities and to Establish Open Dating of Food." (H. P. 700) (L. D. 846) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — earlier in the day by Senator Speers of Kennebec. Pending — Motion of Senator Jackson of Cumberland to Indefinitely Postpone Bill and Accompanying Papers.

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

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

Mr. CONLEY: Mr. President, I would request a roll call when the vote is taken. I would urge the Senate to vote against the pending motion because, as I stated this morning, I believe there are many people,

particularly in my area of the state, that are very much opposed to the Maine Milk Commission and the retail price fixing of milk. I hope the Senate would vote against the motion and then vote to accept the Majority Ought to Pass Report.

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

Mr. SPEERS: Mr. President and Members of the Senate: As was explained earlier in this session, this particular problem or question has already been decided by both of the branches of this legislature, and I would urge the members of the Senate to go along with the motion and vote in favor of the motion and to be in concurrence with the majority of the other body, which has already indefinitely postponed this bill.

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

Mr. GRAHAM: Mr. President and Members of the Senate: The bill we passed yesterday was called "An Act to Repeal Milk Price Controls at the Retail Level," and it did no such thing. It was apparently amended and it set up a situation that is better than the present situation, but it did not repeal milk price controls at the retail level. When I came to this Senate, I was pledged to fight for that issue, namely, to repeal milk price controls at the retail level, so I shall vote for this bill.

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

Mr. CYR: Mr. President and Members of the Senate: The milk bill that we passed yesterday was thoroughly debated on this floor, and I think I proved to you, and also believe that everyone agrees with me, that by eliminating the retail price controls you would trigger a price war and everybody in the industry, including the consumers, would be hurt by it.

We passed a compromise bill, which I think should be acceptable to everybody and should bring peace and tranquility, as I mentioned before, to the industry. The bill that we passed tries to face the interest of the three segments of the industry which is involved: the dealerships, the producers, and the consumers. It is a consumers' bill, a consumers' commission that we are going to have from now on. Four members of the public will be appointed to serve on this commission, including the Commissioner of Agriculture. Now, if the consumer cannot get a fair shake out of this commission, there is something wrong somewhere.

I believe in the first place that if the people had been fed information and facts instead of propaganda that the consumer would have a different viewpoint about the commission. Also, if the opposition continues to stir up trouble, to stir up dissension among the industry — and I am not addressing my remarks to any member of this chamber because I think they are not guilty of any of this — but if the opposition keeps on stirring up dissension, I think it is time for the public to look into the motives of these spokesmen. As I said before, I am not addressing my remarks to any members of this body; but there are people in the opposition that stand to gain by stirring up trouble. They stand to gain financially. They are not at an advantage over our Maine dealers and they do not want to lose that. So before you vote on this question here to eliminate the commission completely, you want to bear in mind that you may put the 75 million dollar industry

in jeopardy. For that reason, I urge you to vote for the motion before the chamber to indefinitely postpone this bill.

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

Mr. HICHENS: Mr. President and Members of the Senate: We not only enacted the amended bill to repeal milk prices, but we also enacted L. D. 1374, relating to the division of hundredweight fees between the Milk Commission and the Dairy Council Committee. To pass this bill which we are debating this afternoon would just be contradictory to that which we have already done, which I feel were decisions well made.

I personally feel that this is a political game that we are having played before us this afternoon. This bill that we have before us today was sent out by the Agriculture Committee at least two weeks before the other one in the hopes that it would be disposed of and then we would have a fair discussion on the one which we have already enacted and have the whole matter taken care of. Over in the other body it was held for those two weeks and then this one was taken care of, and now we have this other one brought up as a ploy and as a political measure. Had that bill been enacted in its original form, we wouldn't have this one before us today because the opposition would have been that well satisfied. Because they lost out on that one, they are now trying to confuse the issue and disolor the whole thing by trying to make an issue out of this one, having a roll call and so forth. Having enacted that one, we should now defeat this one, and I will support the motion to indefinitely postpone.

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

Mr. CONLEY: Mr. President and Members of the Senate: The bill that the good Senator from York, Senator Hichens, refers to as being a good measure for the Maine Milk Commission has already soured in the stomachs of many of my constituents. And if there has been games played in the state, it has not been by people who are concerned by the retail price fixing by the Milk Commission. The concern is the games that the Milk Commission has been playing, not the last two years or four years or six years, but for a long, long time. In fact, in the period of 12 years or 11 years that I have been here, there has yet to be a session go by that there hasn't been a bill before the legislature to repeal the Maine Milk Commission.

It just seems strange to me that every time we step into the halls here at Augusta that the Milk Commission seems to put their games away on the top shelf someplace and then start cutting the price of milk. All they are doing again is trying to warm the cockles of your heart, and say go ahead boys, just kill the bill again, and when you get out of here we will jack the prices up again.

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

Mr. SPEERS: Mr. President and Members of the Senate: If the proponents of this particular bill are really very serious about it, I presume they know the rest of the matter that is contained within the bill, and I would like to ask a question through the Chair of the good Senator from Cumberland, Senator Conley, as to the import and the reasoning and the necessity for some of the other items, the numerous

items, I might add, that are contained within this bill. The question of the Maine Milk Commission is only one of many items, the others being the Maine Dairy Council, the Maine Milk Tax Committee, provisions to provide for the monitoring of butter fat and bacteria tests of dairy products, to establish unit pricing of consumer commodities, and to establish open dating of food.

Now, I presume that this bill is not simply a matter of playing games with the desire to have everyone down on a roll call sheet one way or the other regarding the Maine Milk Commission. I would hope that some of these other issues that are contained in this bill might also be addressed.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Jackson, that this bill and all its accompanying papers be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Jackson, that this bill and all its accompanying papers be indefinitely postponed. A "yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.F., Jr.; Berry, R.N.; Carbonneau, Clifford, Collins, Corson, Cummings, Cyr, Gahagan, Greeley, Hichens, Huber, Jackson, Johnston, Katz, McNally, Pray, Roberts, Speers and Trotzky.

NAYS: Cianchette, Conley, Curtis, Danton, Graffam, Graham, Marcotte, Merrill, O'Leary, Reeves and Wyman

ABSENT: Senator Thomas.

A roll call was had. 20 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion prevailed.

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

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)

Tabled — earlier in the day by Senator Gahagan of Aroostook.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-460), as Amended by House Amendment "A" Thereto (H-680).)

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

Mr. Jackson of Cumberland requested a division.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: This particular document was not written by myself nor was it written by any potato farmer, nor was it written by a member of the Agriculture Committee, nor was it written

by a processor. It was written by an executive member of the Maine Potato Council. But if I had set out to write it in a way to assure that an industry would not locate in this state, I would write a law that would require an industry to get a license based upon its character and integrity and to put up a bond guaranteeing that it would pay those from whom it buys its raw materials. And if I represented a special interest group that wanted its cake and wanted to eat that cake, I would draft a bill that said that group could make a contract committing a manufacturer to buy a product by the group, but for the privilege of being committed to buy that particular product I would have to post a bond in case the business at some time in the future relative to the contract were unable to pay. This would allow my group to have all of the benefits of a contractual arrangement without any of the detriments of a contractual arrangement. These elements are included in this L. D. 967, this bill before us today.

This bill deals purely and simply with the processor in Aroostook County who owes Aroostook County farmers between 4 and 5 million dollars and is currently past due in that amount. It was written as a reaction to that debt.

It seems to me in 1971 this legislature passed a licensing and bonding act for brokers of potatoes who handle no potatoes and manufacture nothing; they handle money. In the enforcement of that section 71017, A through L, it speaks only to fraudulent brokers and brokers who have committed criminal and fraudulent offenses. This simple bill amends that broker's law to include the manufacturers of raw potato products, the french fries and other frozen potato products. It attempts to bond one end of a contractual agreement and I oppose it for two reasons.

It seems to me that those processors who can easily post a \$50,000 bond, which is the maximum amount that this bill calls for, are going to ask, if they have to post that bond, that we the potato farmers, when making a contractual agreement with them in the future, should also post a bond in the amount of money for whatever that contractual agreement happens to be. In the case of a potato farmer like myself, that might be for an entire year's production of potatoes. So you would have to have a balance sheet that would have on its plus side an amount of money equal to your entire next year's production. There are very few farmers in Maine who grow potatoes who have that kind of a balance sheet. So I think that it might destroy our futures arrangements that we presently make with processors.

The second reason for which I oppose this bill is because in Aroostook County we are not exactly having our doors beaten down by potato processors who want to locate in Aroostook and manufacture products from our raw material. We are faced with a massive problem, and that is the cost of energy. A potato manufacturing plant in Presque Isle, Maine pays 3 cents a kilowatt hour for its power. The same potato plant in the State of Idaho pays a penny. For a 7,000 barrel a day plant this means a million dollars a year.

We have another problem, and that is a very stringent Department of Environmental Protection. And well it should be, because we have more to protect in Maine and in Aroostook County.

Once an industry has met these two massive problems and is still willing to produce french fries up in Aroostook

County, and make a capital investment of five to ten million dollars for the manufacturing plant, I don't think it is fair that they should be brought before the Commissioner of Agriculture or any other body and asked to prove that they are fit in some way and get a license, and then at the behest of any interested person, which is what this law is going to do, that they have to open their books to anybody that wants to look at their books, because one processor currently is past due in Aroostook County. I just don't think that is fair.

This bill originally had attached to it a lien law also. That lien law was characterized in a letter to Maine farmers, and I quote from this letter from the Maine Potato Council, which I received because I am a member of the Maine Potato Council, as "the most significant preventive legislation the council has ever supported on your behalf." 48 hours ago that lien was removed; the most significant piece of legislation relative to the potato industry was removed. I would strongly urge this body also to remove any possibility of this licensing of manufacturers, because the entire potato industry will suffer as a result of this action.

I have on my desk and I know you have on yours a letter from a seriously interested party lobbying in support of this bill, and he mentions one of the industries in Aroostook County of which we are very proud, the Taterstate Food Processing Company owned by Agway, an industry that is obviously in opposition to this particular legislation, and I quote from this letter: "I feel that this stand" — the stand of Agway and Taterstate — "is only natural, since if a business is presently not controlled by the state, then they would obviously wish to remain in that posture." I am sure they wish to remain in that posture. And Mr. President, I move for the indefinite postponement of this bill and all its accompanying papers, and I ask for a division.

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

Mr. CYR: Mr. President and Members of the Senate: I was involved in this legislation back in 1971 when it applied to the dealership. Prior to this law, this licensing and bonding law for the dealers in Aroostook County, occasionally we had some of these fly-by-night dealers that would come from New York or Boston, or some other area, who would open up an office, would buy potatoes, and before you knew it, they would be gone and the farmers would be left holding the bag. So in 1971 we passed this licensing and dealers bonding law which cleaned up the situation. I haven't heard one farmer tell me that he has lost money with the dealers since.

At that time we exempted the processors. However, the situation has changed. The main reason for licensing processors is this: they would have to be licensed by the Commissioner of Agriculture, and there is this language, similar to this here, "The Commissioner shall investigate each applicant thoroughly, and the Commissioner has to satisfy himself that the applicant is of good character and reputation, and is financially responsible before a license is issued."

You were told by the good Senator from Aroostook, Senator Johnston, that the maximum of this bond is \$50,000. As far as the bonding is concerned, it amounts to nothing. They can borrow that in two days.

And certainly, right now for instance, the farmers are owed 4½ million dollars by one of these processors. So \$50,000 wouldn't amount to anything. They tell me that the premium for such a bond is something around \$500. What is important is that we know the financial status of that processor before we get into a situation such as we are in now. This is not going to correct the situation that we are in now.

Between 35 and 40 farmers were not able to plant a crop this spring because they are owed money by the processors that they can't collect. The only way that a farmer can find out to just what extent a processor is finally weak is only through word of mouth from one farmer to another. By talking among themselves, one farmer will say they owe \$80,000, the other one will say, well, they owe me \$50,000. And I know of farmers who are owed as much as \$200,000 and \$300,000. And the more we dig into this, the more we are finding how weak and how financially shaky some of these processors are. If they were under a licensing deal, the Commissioner of Agriculture would monitor, and if he finds that a processor is getting in too deep, he would have a conference with that processor and would say well, look, we are going to give you a year to clean house.

The injustice that is going on right now in Aroostook County, if our big processor should go into voluntary bankruptcy under Title 11, we know for sure that this would bring down at least 250 farmers who would also go bankrupt. They owe these farmers 4½ million, and yet they are planting 6,000 acres of potatoes in competition with them. They have got eight subsidiaries. They have got over 20,000 acres of our prime Aroostook land that they own in competition with the farmers. And yet they can plant, but the farmer that they owe money to next door can't plant because he can't collect his money. And those of you who are familiar with the situation, if you borrowed from the FHA, the Farmers Home Administration, or the Production Credit Association, if you haven't paid any money on your loan, by law, by their own regulations, they cannot give you another loan.

Many of these farmers, and I can name names, started planting their crop around the 30th of May, and the only way they were able to do it was for some of these loaners to bend over backwards and take some of the slips from the processors. Some of our good farmers have taken those slips as security and given them a loan so they could plant, not knowing whether or not they would be paid by the processors. If the processor doesn't pay that, they are still in hock to the Production Credit or to the FHA for that amount. This is how serious the situation is. They own farm machinery equipment companies, they own motels-hotels, they own shopping centers, they are in every business in Aroostook County in competition with the other businesses, and yet they can't pay, their bills.

Now, this bill here is not going to correct that situation because it has already gone too far, but if we have this for another year or two years or three years from now, the Commissioner of Agriculture would be monitoring these financial situations, and before they get too deep in hock the Commissioner could tell these processors, look, you better shape up boys, you better clean house, or else we are going to withdraw your license, and this is all that we are asking with this right here. It is a mild medicine.

Now, the good Senator talked about the lien law, and I am one of them that had my reservations in regard to the lien law, and I will tell you why. Because the lien law was an afterthought, it was a late comer, and it was going to be piggyback onto this law without the benefit of a public hearing. And where we have a divided industry on the lien law, we have a divided county delegation, I don't think it would have been smart and wise for us to add piggyback onto this bill the lien law without the benefit of a public hearing and a good airing. That is the reason why my recommendation was to let's wait on the lien law.

But this is a first step. It will not cure the situation now. It is a psychological tool. And then if a processor cannot justify financial responsibility, he should not be in business. You might say well, don't rock the boat. Well, it is just like if you were working for somebody and he wasn't paying you your wages at the end of the week, and this carried on for four or five or six weeks, and he would tell you well, don't rock the boat because you might lose your job. This is the situation we have. They say don't rock the boat because you may lose a supplier or processor. Well, what is the use of having a processor if you are not going to get paid for your products? So I urge you very strongly to vote against the motion to indefinitely postpone and let's put this on the books so that we will have at least an agency, the Commissioner of Agriculture, that will monitor the finances of these processors. Thank you, Mr. President.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: We are very grateful for those industries who have chosen to locate in Aroostook County. We are also grateful for the opportunity that we have for a way to process our products. However, at the present time there is a crisis of confidence in the farming community about the ability of those processors to meet their obligations to the farmers. As with any issue, there are two sides to the story and I think that this bill only demonstrates the willingness of the Aroostook delegation and the farming community to begin to address themselves to the problems of the farming community and the faltering economy which we have in Aroostook.

In discussions with the Commissioner of Agriculture, we have found that in all cases involving problems with payment to farmers, the PACA, which is the federal law, will apply. The PACA, however, has not in all instances acted in the most haste and they haven't always come through for the benefit of the farmers, even of the community. I think passage of this bill will demonstrate the state's interest in this area. It will demonstrate the ability of the Aroostook delegation and the members of the farming community to do something which will address itself to this problem which does exist in Aroostook County.

We don't want to do anything to harm the processors, but neither do we want to see our farmers go without being paid. We want to do something which will begin to bring these two very important elements together, and I think that this bill should be passed. I would urge you to vote against the motion to indefinitely postpone.

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

Mr. JACKSON: Mr. President and

Members of the Senate: I think the good Senator from Aroostook, Senator Cyr, was correct when he said that this would be the first step. I think it would be the first step in diminishing the much needed and probably the heaviest industry that the State of Maine could utilize in these times or at the present. I think it would be a deterrent to bring any new industry into Aroostook County in the potato processing field.

Also, I believe that with a bonding provision which is for \$50,000 it would be ridiculous. This can go on and on and on because as I understand, in the testimony that was given in front of the Agriculture Committee of which I am a member, some of these processors could use \$50,000 worth of potatoes in sixteen hours. Now, it doesn't take a very good man to use a little arithmetic and figure out how many dollars that would be in a week. Now, you are still going to have this problem if you have this bonding law.

The good Senator, Senator Gahagan, stated that they have PACA which they do and which they can use. Now, it might not be the most hasty process but I read in the paper, I think it was two weeks ago, where this company that was mentioned earlier that is in arrears somewhere in the vicinity of 4½ to 5 million dollars in payments to the farmers has had its license suspended for sixty days, and I am sure this could go on. I just think it would be unfair for the members in this body to just take a stand against one company or maybe two companies which have been in arrears on their payments.

Now, another thing, it is a two-way street, I feel. I understand last year when the potatoes were selling for \$10 a barrel, or \$12 or \$13, even higher, that some of these farmers even reneged on their contracts, and these potato processors who had bought ahead on the contracts at, we'll say, \$3.50 or \$4 a barrel, had to go out and pay as much as \$14, \$15, \$16 or maybe \$20 a barrel for these potatoes. And I think everybody in this room that is in a business realizes that we run on projection, and when you run into a situation like this, it is not amazing to me to see that a company might have problems like this.

I rise to support the good Senator, Senator Johnston, from Aroostook County. I just don't think this is the answer to the problem at the present time. I think that something can be worked out which would be compatible between the farmer and the processor, something which will insure payment, and rapid payment. And just to briefly explain it, I just don't care for the bill at all. I was interested in the lien law which was brought up prior and I think it would have been a much better bill if the lien law had been left on it.

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

Mr. CYR: Mr. President and Members of the Senate: I will answer the good Senator, Senator Jackson, first of all, on the farmers reneging on their contracts. It is true that some do renege on their contracts, however, particularly on pre-season contracts, if you have a contract that is reneged on, all you have to do is bring it to court. Now, in some cases, in many cases last year, farmers that reneged on their contracts, you have to know the reason why they reneged on their contracts. I know one farmer, for instance, that was owed \$80,000, and he told the processing plant, look, unless I am paid I am not going to bring you any more; I am not going to fulfill my contract. Now, I

think that is a very good reason. I can name you seven names from Limestone that had a similar experience, and yet rather than go to court with the processor on it, they brought them 1,000 barrels of potatoes for nothing, that they delivered on their contract. This is not going to solve that problem. And as far as that goes, the farmer that has a pre-season contract and has a 30-day clause to get payment, he can bring it to court too, and some have, some have this winter brought them to court and won. However, if you do that, then you are in the black book and there is no more chance for you to ever get a contract with that processing plant.

As far as the PACA is concerned, that is the Perishable Agricultural Commodity Act, which is a federal program administered by the Department of Agriculture. If a dealer — and in this case they are considered the dealer because they buy potatoes — if you are a dealer and you do not pay on time, you can file a complaint with PACA. Now, with PACA there are two steps or two actions, and this has to be filed by each individual grower. It cannot be filed by the Potato Council, for instance. They can file it for you but you are the one who is actually filing it, and they are helping you. The first step is a reparation complaint for the grower to recover. The second one is disciplinary action by PACA, and this is done only after a repeated and flagrant violation of the act. Right now the company we are talking about on the 4½ million dollars, their license has been suspended for sixty days. They cannot buy potatoes. However, at this stage, this is at the end of the season, so they can care less; they can still sell their french fries, and they could care less.

The normal process or the normal procedure for PACA is between six months and one year. And if this is appealed, it could last as long as two years. So it is not the total answer. It is one answer. And of course PACA will still remain. They can still file under PACA.

However, what we are talking about here is the licensing and bonding. As I mentioned, the bonding part of it doesn't amount to anything. \$50,000 doesn't amount to anything on the 4½ million dollar back payments. But it is the licensing. To obtain a license from the Commissioner of Agriculture, you have to prove that you are financially responsible, and the Commissioner will monitor the situation. This is what we are after. This is a first step. It is not going to improve the situation this year, it is not going to correct or solve the problem we have now. However, we hope that it will prevent future situations such as we have now.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think this is a difficult question for the Senators to face because I think we are faced with a question which is of local interest to the County of Aroostook, and I think all three Senators from the County of Aroostook are held in a great deal of respect by all the members of the body. Both the proponents and the opponents. I think, present very appealing arguments. I know when the Senators from Androscoggin get to talking about a Lewiston-Auburn airport bill or a parking authority, if there are two or more Senators from Androscoggin who are on opposing sides, it does become a difficult question for the rest of the Senate to decide.

I notice on page 11 of our printed advance journal, under tabled item No. 19, that there is a joint order which is pending on the table to study the subject matter of this bill, and it seems to me in listening to the arguments that this matter will be resolved when both the processors and the farmers are able to get together, and I wondered if perhaps the best way to do it is to see if they could resolve it over the summer and come up with a solution that both sides would be agreeable to. That would be one way, it seems to me, that perhaps would solve this problem both for the Senate and for the specific problem which is involved, which is a real problem. At least I acknowledge that it is a real problem. Thank you.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: I grow potatoes and I know something about the instability that presently exists among potato growers, and I know something about the instability that exists among our processors, and I am not sure that this legislative body can solve these problems or even begin to solve these problems. The system in which we all operate may take care of these problems.

I do know this: I know that this law was designed for brokers and agents, and it shouldn't be twisted and pounded until it fits awkwardly around one particular manufacturer. That was never the intent of the bill. And the attempt to place manufacturers or potato processors in particular within its coverage is clearly trying to put a square peg in a round hole.

I can't promise you that if this body in its wisdom sees fit to postpone this bill and to pass the joint order relative to the bill so that the Agriculture Committee can study it, I cannot promise you that we can solve the problems of instability that exists between the processors and the growers, but I can promise you that we will try and I can promise you that this will not work.

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

Mr. CIANCHETTE: Mr. President, I don't intend to get into the merits on the bill but I have before me a memo sent to all legislators from a representative in the other body, and his closing sentence, "as a proponent of this bill waves a red flag in my face and I wonder what in the world are we talking about", and ends up his statement of support of this bill by saying "why should a multi-million dollar industry operate in our state without state regulation?" I don't know what that means to you, but to me it waves a red flag and I certainly don't like it, so I am going to vote for indefinite postponement of this bill.

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

Mr. CYR: Mr. President, just a few more words of wisdom. First of all, we are not singling out one industry, one processor. There are three processors out of five that are in financial trouble. One is already in voluntary bankruptcy under Title 11 in Texas, and there is another one locally which is also financially shaky. So we are not singling out one.

Now, in regards to the study, the joint order, I understood the procedure we were going to follow was to ask you to pass the joint order to study the lien law, and I think I mentioned my reasons a while ago, because we were asked to piggyback the

lien law onto this bill, which I think would have been the wrong move to take. Now, in this joint order we are going to ask you to study the lien law. The other one we don't have to study. We have been operating under it since 1971. The dealership has been operating under it since 1971. After all, what is a processor? A processor is a dealer. He buys potatoes. That is the definition of a dealer. And the law that we have been working under, and which has given us good results since 1971, the only thing we are asking in this bill is to have it apply also to processors.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Aroostook, Senator Johnston, that this bill be indefinitely postponed.

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

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

Thereupon, the Bill was Passed to be Engrossed.

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

Mr. CYR: Mr. President, having voted on the prevailing side, I now move reconsideration and hope you will vote against me.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now moves reconsideration of the motion whereby this bill failed of indefinite postponement.

The Chair recognizes the Senator from Aroostook, Senator Johnston.

Mr. JOHNSON: Mr. President, I move this item be tabled for one legislative day.

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

Mr. SPEERS: Mr. President, I ask for a division.

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

Mr. JOHNSTON: Mr. President, I ask for 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 on the motion to table this bill for one legislative day 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 Aroostook, Senator Johnston, that this bill be tabled for one legislative day. Will all those Senators in favor of tabling this bill, L. D. 967, for one legislative day please say "Yes" and all those opposed will say "No".

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Danton, Graham, Greeley, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Wyman.

NAYS: Senators Berry, R.; Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Trozky.

ABSENT: Senator Thomas.

A roll call was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with one

Senator being absent, the tabling motion did not prevail.

Thereupon, Mr. Cyr of Aroostook was granted leave to withdraw his motion for Reconsideration.

Committee Reports

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

House

Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act to Establish a 10 Percent Surcharge on Spirituous, Vinous and Malt Beverages Sold at State Liquor Stores." (H. P. 1432) (L. D. 1691)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-779).

Comes from the House, Recommended to the Committee on Taxation.

On motion by Mr. Speers of Kennebec, Recommended to the Committee on Taxation in concurrence.

Thereupon, on further motion by the same Senator, and under suspension of the rules, sent forthwith to the Committee on Taxation.

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

Bill, "An Act to Establish Minimum Warranty Standards for New Residential Dwellings." (H. P. 575) (L. D. 710)

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-720).)

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

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

Mr. DANTON: Mr. President, in view of the fact that the state doesn't have a building code, in looking over this bill and the amendment, I feel that this bill can do just two things: one, it can result in increased costs of construction; two, it is going to hurt the small builder inasmuch as he won't be able to be bonded. So I feel at this time that this bill and all its accompanying papers should be indefinitely postponed.

The PRESIDENT: The Senator from York, Senator Danton, now moves that L. D. 710 be indefinitely postponed.

The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President and Members of the Senate: I have been keeping this letter since April because it expresses my views exactly on the subject. This is from a small builder in Southwest Harbor, and he says,

"I am writing to express my opposition to L. D. 710. As a small builder I am understandably prejudiced, but I do feel there are some sound reasons for my opposition.

"A warranty such as the one put forth in L. D. 710 places an almost impossible responsibility on a custom builder such as myself.

"L. D. 710 is a well meaning document and probably can be applied in some manner, especially for the large contractors and modular home developers.

"I build two, sometimes three, houses a year from a design and specifications by

an architect. I have very little to say about what goes into that house, yet I have to guarantee the entire job. I certainly should have to guarantee my own workmanship, but I shouldn't have to be responsible for the Andersen Window Corp. or Bird Shingles.

"As a small builder, I am caught in the middle between the owner who has a complaint about a warped door or a leaky toilet and the manufacturer. The owner will have my warranty and demand satisfaction and the manufacturer will say I didn't follow the recommendations for installation. Whether I followed the instructions or not, it doesn't really matter, I have a problem and what am I to do?

"If L. D. 710 passes, it is going to cost money to satisfy the owner and make the manufacturer make good on his products, or worse still, make a subcontractor make his manufacturer honor his product. That money has to come from the home owner, so when I figure a new home, I will have to add an amount that will, I hope, cover any faulty material or equipment in the house. With today's soaring construction costs, it is too bad to add to that problem by wellmeaning but misguided legislative action."

I couldn't express it any better because I am a small builder too.

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

Mr. CONLEY: Mr. President, I notice that this bill was originally assigned to the Committee on Business Legislation, and I also notice that the chairman of that committee, as well as one of its other members, is not present here today. I would like to know from the Secretary how the report was signed coming from that committee.

The PRESIDENT: The Secretary will read the report.

The SECRETARY: The Committee on Business Legislation, to which was referred the Bill, "An Act to Establish Minimum Warranty Standards for New Residential Dwellings, (H. P. 575) (L. D. 710), have had the same under consideration and ask leave to report that the same Ought to Pass as amended by Committee Amendment "A", and it is signed by Representative Rideout for the Committee.

Mr. CONLEY: Mr. President and Members of the Senate: I have certainly not had an opportunity to read the bill, but quickly perusing the statement of fact, it seems to indicate to me that this bill is primarily to protect an individual who has put a great deal of his savings into such a building, to protect him and make sure that the materials that are used and the construction that is done is done in a manner that one would expect.

It is not my intent to debate the bill, but I would obviously like to hear what the chairman of the committee and perhaps the other two members of the committee would have to say in reference to this bill, particularly where it has a majority ought to pass report from the committee.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move this item be tabled one legislative day.

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

Mr. DANTON: Mr. President, I hate to go against my leader on this bill, but this bill here--

The PRESIDENT: The Chair would advise the Senator from York, Senator Danton, that he is now debating a tabling motion.

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

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that this bill be tabled for one legislative day, pending the motion by the Senator from York, Senator Danton, that the bill be indefinitely postponed.

A division has been requested. Will all those Senators in favor of tabling this bill for one legislative day please rise in their places until counted.

A division was had. Six having voted in the affirmative, and 23 having voted in the negative, the tabling motion did not prevail.

The PRESIDENT: The pending question is the motion by the Senator from York, Senator Danton, that this bill and all accompanying papers be indefinitely postponed.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

Less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. Will all those Senators in favor of the motion of the Senator from York, Senator Danton, that this bill be indefinitely postponed please rise in their places until counted.

A division was had. 25 having voted in the affirmative, and six having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the following 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) (Emergency)

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

Pending — Reconsideration.

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

Mr. CONLEY: Mr. President and Members of the Senate: I regret very much that we have a veto message before us on this bill because I honestly believe that either the chief executive misunderstands the bill or that he is attempting to create misunderstanding among our citizens.

I have here a signed memorandum from the Treasurer of the State which reads, "L. D. 660 would authorize the Maine State Housing Authority to issue up to 25 million dollars in construction loan bonds to help build elderly and low income housing projects. Since L. D. 660 specifically does not pledge the state's general obligation credit, and specifically does not pledge the

state's moral obligation, it will not affect the state's credit rating adversely."

Actually, the new construction that L. D. 660 may assist, it should increase the state's overall valuation, which could even tend to raise the state's credit standing, although the small amount of money involved makes this unlikely. The 25 million dollar figure is not large enough to affect the general risk picture in Maine's debt outstanding. Besides the money will be used for a large number of small projects, thereby spreading the risk reasonably.

Security for these bonds will be real estate, which will be the bondholders only recourse in case of loss. The bondholder will know this in advance and will therefore not relate these bonds to other Maine bonds.

Now, the third paragraph of the Governor's veto message is absolutely true as a general statement, but in applying to this bill we would simply be mixing apples and oranges, to the detriment of our citizens whose welfare is at stake here.

There is nothing symbolic about this legislation and about the veto. What we are talking about here is housing for our citizens and jobs for our citizens. We are talking about 4 million dollars a year in federal funds which will be committed to housing programs. We are talking about 1,000 and 5,000 jobs. We are talking about a 20 million dollar increase in our property tax base distributed in our communities where such an increase is most needed.

The veto message states that the increased loan authority is not really necessary and not immediately beneficial to the housing industry. I respectfully submit that this statement is wrong. These are housing units that would be under way this year. The Housing Authority already has over sixty applications for starts under this program. It is not a program which can be postponed, for postponement means waiting until the grounds have thawed next spring and our depressed construction industry simply cannot wait that long.

The Governor points out that Maine's failure to recapture its AAA bond rating recently cost the state 1 million dollars in interest. This claim is in serious error mathematically, but it also is misapplied to this veto. The gnomes of Moody's Rating Service don't care about whether the Governor vetoes this item or not and they have so advised our state officials.

What we are dealing with here is a bit of misdirected symbolism which will impress the financial experts about as much as if we asked every Maine citizen to skip breakfast tomorrow morning in order to regain our AAA rating. Our failure to pass this bill, however, means more to many Maine citizens than skipping breakfast. It means continued unemployment in construction, more firms going under, more workers on unemployment next winter, higher outlays for unemployment insurance and food stamps.

We have tinkered with our environmental laws in the hope to provide more jobs, we have revised our sales tax on electricity in one instance with jobs in mind. Our citizens elected a governor who said that as a businessman he could bring more business and more jobs to our state. We are still waiting for these jobs. This is one instance where it is absolutely imperative that we, as responsible legislators, say to the Governor, "Sir,

there are jobs and homes at stake here and we care as much as you do about fiscal responsibility, and we believe that fiscal responsibility requires us to set aside false arguments and false analogies and do what we can to get our economy moving again."

Mr. President and Members of the Senate, we have heard a great deal of discussion relative to whether or not our AAA rating or AA rating relative to these bonds will affect the credit of the state. I would like to state that on Monday at approximately 3:30 in the afternoon my office was in contact with Dr. Jackson Phillips, who is Senior Vice President of Moody's Rating Service in New York. We inquired as to whether Moody's Rating Service was familiar with the comments attributed to that service by the Governor in his letter to the legislature dated June 13, 1975. Dr. Phillips indicated that he had received a copy of the letter and, most importantly, indicated that the Governor's comments were inaccurate. Dr. Phillips went on to say, and I quote, "The extension of an authority's power to issue bonds when the credit of the state is not pledged would have no effect upon the bond credit rating of the State of Maine."

Therefore, I believe the Governor's message places a red herring before this legislative body since the issuance of additional bonds by the Maine State Housing Authority would in no way add additional interest costs to the people of the State of Maine. To the contrary, the issuance of such revenue bonds would in the final analysis secure investments from out-of-state investors, and these proceeds could then be utilized to infuse additional funds into home construction for Maine's citizens.

Mr. President, I would ask the Senate today to take a step which I feel would be a most positive one in stepping up the economy of Maine and also providing additional housing units for the elderly and low income people. I would like to say also, to be perfectly clear, that this morning at 7:15 I met with the chief executive to discuss his veto message, and I would also like to make it clear that he had indicated to me he had not changed his position on his veto, that he too had spoken, or a member of his staff had spoken with Moody's in New York and would like to have had them send to him a copy of the remarks as transcribed but they refused to do it. I also had my office ask Dr. Phillips to send a copy relating his talk to my staff in reference to his communication, and he again declined because he feels that the bonding company itself did not want to put itself in a position of being caught in a squeeze between the chief executive and the legislative branch.

One final last message, Mr. President and Members of the Senate: I would just like to express my own personal convictions that I have a great deal of respect for the members of this Senate, and I know that at times personalities creep in and can change one's feelings toward a particular document, whether it is good or bad, and I ask you to place those personal convictions or feelings aside this afternoon and to vote to override this veto.

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

Mr. MARCOTTE: Mr. President and Members of the Senate: I have read the Governor's veto message quite carefully, and while there are several questions in my mind, the thing that most intrigues me is the paragraph concerning the extra 1

million dollars. Now, our most recent bond issue was slightly more than 17 million; to be more exact, \$17,160,000. The interest rate on that issue was 6.14 percent. With an AAA rating, at best, that interest would have been 5.9 percent. Now, assuming the worst, I cannot see how the Governor determines that we lose a million dollars over the 20 year life of these bonds. Certainly we lose money, but the amount of money that we lose because of our new rating over the 20 year life of the bonds is in the area of \$300,000. This is about one-third of the Governor's number.

I am afraid that in working out his calculations the Governor forgot that the general obligation bonds in question are what is known as declining balance bonds. Over and above the fact that the bonds talked about in L. D. 660 have nothing to do with the general obligation bonds of the State of Maine, this major error in calculations has to make me wonder whether or not the Governor actually understood the bill which he has now sent to us with a veto message.

I believe that this is important legislation for the State of Maine and for its people, and I hope we will vote to override the Governor's veto.

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

Mr. BERRY: Mr. President and Members of the Senate: I regret very much that I am not in a position because of the staff and the research back-up of the operation involved here to read well prepared and well thought out statements to you, as the previous two speakers have done. I stand at my desk with my resources around me and, accordingly, I am afraid I shall be unable to deliver the polished message to you that the two previous speakers were able to do. But I do have a couple of thoughts that occurred to me as I listened to these two gentlemen who are outstanding and capable members of the other party.

I detect a partisan note in Senator Conley's comments. He talks about the Governor dragging red herrings around. I sense in his comments an attack that the Governor is doing something wrong here. Well, Mr. President and Members of the Senate, may I invite your attention to the bill. I think this is what we are concerned with today; not what the Governor has done or what he will do, but what does the bill propose to do.

Now, I was a member of this body when the general obligation bonds of the state were downgraded, and to everyone, I am sure even those of you who were not in this body at the time, that was somewhat of a cold water bath. The matter was investigated quite thoroughly, and as a matter of fact, I notice we have an order floating around directing that investigation be made into what has been and can be done to restore the credit rating of the state. So apparently everybody does consider extremely important what affected the credit rating of the state. Now, this didn't come out this long ago. We were downgraded a little over a year ago; April 19, 1974, to be exact. And I am going to read you from the report of the company that did this, a report, incidentally, which I obtained today from the State Treasurer, which Senator Conley referred to. All bond people, all people who buy the bonds of the State of Maine are very interested in how we run our shop, and there is a rather interesting matter of language in here I think that applies to a lot of the things we

are doing today, not just what happened a year ago, but this is what they are telling us, and I hope there is a message here that we all take. I feel we should read it over perhaps once in a while, and I am reading — this is one of the reasons that the bonds of the State of Maine were downgraded:

"The debt of the State of Maine has been increasing steadily and has more than tripled over the past decade. In addition, the State has extended its credit to a number of agencies in the form of guarantees of mortgages insured by the Industrial Building and Recreation Authority. It has guaranteed student loans, bonds issued by the Maine State School Building Authority. It has made reserve fund commitments to the Maine Municipal Bond Bank and to the Maine State Housing Authority. Several of the guaranteed loans have been in default and the State has had to issue general obligation bonds to cover the defaulted loan payments. The State's economy is static. In recognition of the growth of debt and the commensurate burden, the extension of credit to agencies over which the State does not have direct control, and the mediocre economic prospects, the rating of the general obligation bonds of the State of Maine has been revised to AA."

Now, this was a year ago. At the time that this was written, the biennial budget that was used as one of the criteria to evaluate the State of Maine's performance was the biennial budget of 1971 and '72 and 1972 and '73. Now, that is not very long ago. That is the budget that expired two years ago this coming July. It is the next to the last budget of the State of Maine that we are talking about here. The total budget, the total expenses of the State of Maine, consisting of education, highway and bridges, social services, debt service and other, everything, excluding the proceeds of bond sales, was almost a billion dollars, 988 million dollars. Now, this is keeping in mind what was just said about the debt of the State of Maine and the way the state was run, and the mediocre economic prospects. I am sure it will amaze you to know that the budget and the expenses that you are voting on and will vote on, no matter how you feel, for the biennium starting this July 1st, is going to be \$1,600,000,000. The budget has gone from \$988,000,000 to \$1,600,000,000 in a four year period, with only a two year intervening period. And as pointed out in this report of April 1974, we still have a population of a million people.

Now, let's talk a little bit more about the bill. No one is going to lose any jobs if this bill doesn't go through. The Maine Housing Authority has the money. Let's hope they continue their very wise policy as directed and authorized by previous legislatures to purchase mortgages and free up mortgage money and continue Maine builders building houses which we sorely need. This will go on. Housing for the elderly will go on. Housing for the poor will go on.

Now, there are some rather interesting changes proposed in the L. D. that was vetoed. There is removed from the present law governing the Housing Authority for the purposes of this Act any say by local people, by local boards, local boards of selectmen, local town councils, city councils, anybody, any consideration of viewpoints input by these local governments. Now, this is not bringing government closer to the people when we take that away from them. There is no reason, if the Maine Housing Authority is

going into any community, it shouldn't go into that community with the full consent, knowledge and total revelation of their project subject to local laws.

Another provision of this law provides that the state shall put in 85 percent of the construction loan. The state will put in 85 percent of the construction loan. Now, if we are talking a \$100,000 loan, that means the state is going to put in \$85,000, and the remaining 15 percent is going to come from a local bank presumably. Now, this is a radical departure from what previous legislatures have authorized the Maine Housing Authority to do. This puts them into the housing business, and with a great big stake.

Now, you will note in what I read from the credit report of 1974 that comment was made about the state appropriating money to make good on defaulted bonds. Let no one tell you differently, if any Maine Housing Authority bonds go sour because of the things that can happen, Maine legislatures, just as in the past, are going to be asked to appropriate the money to make good.

So I think these are just a few of the reasons that the bill itself isn't good. And I ask you to consider the impact of the bill on the credit of the State of Maine. We don't need to say what letter we have today from whom. We go right back to what caused the darn problem a year ago and we read what they told us then, and we apply what has happened since then: 17 million dollars more of bonds, a budget 600 million dollars more than when that critique was written. So I would hope, Mr. President and Members of the Senate, that we would vote no, this bill shall not become law notwithstanding the veto of the Governor.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would just like to set the record clear in regard to a couple of matters about this issue before us. I think that the Senator from Cumberland delivered an excellent speech on the financial problems that a state with limited resources faces, however, I respectfully submit it had little to do with the situation before us.

I think it should be clear to everybody in the Senate and clear to anybody reading the record that we are talking about something very different than a general obligation bond when we are talking about this. We are talking about something different than a moral obligation bond, such as the bonds that we have for the municipal bonding bank. Those aren't general obligation bonds, but the moral obligation of the state stands behind those bonds.

These bonds, it is anticipated that they will be, and they will be, bonds that will in essence be secured by mortgages. The security for these bonds is real estate. Because of that fact, the interest that is paid on these bonds won't be 6.75 percent, as it would be on a general obligation bond that was issued right now. The interest on those bonds will be close to the neighborhood of 8.1 percent. What that means, in a nutshell, is that the people who are putting up their good money to buy these bonds are getting a greater degree of interest back for one reason and one reason alone. That reason is that the state isn't saying they will stand behind those bonds, they aren't implying that they will stand behind those bonds; that represents a greater risk to the investor and,

therefore, we have to pay them more interest.

Frankly, the fact that he is earning more interest is more than enough reason that the state shouldn't feel obligated, and if it ever happened that these bonds weren't being paid off and that the real estate didn't cover the debt, if that did happen, I would feel no obligation whatsoever to stand behind those bonds because the extra interest rate that we are paying to the private investors reflects the extra risk.

So when we talk about these bonds, I think that it should be clear as to two things: the state isn't obligating itself and, therefore, it won't affect our bond rating, and secondly, that these bonds that will be sold will be secured by real estate. And a brief thought about even a private individual with that situation makes everyone here realize that there is a difference between going into debt and having debt that is not secured by any real property, and having a debt that is secured by real property. It is a very important difference and it is one to keep in mind.

The other point that I think is crucial to this is that one of the things that this bill does, just looking at this bill, is that it provides that the present restriction on interest rates that governs the Maine Housing Authority will be lifted from the present 8 percent. I just said that the rate at which we would sell these would be somewhere in the neighborhood of 8.1 percent. The fact of the matter is that the Maine Housing Authority, without the passage of this bill, can't even continue selling the bonds that it has already been authorized to do because the price of money has gone up in our market.

Therefore, I think it is important that we pass this bill. I think that the concern about the bond rating of the state, although very valid, is misdirected. And I would hope sincerely that the record of non-partisan approach of this legislature and this Senate will continue and that the merits of this bill will be enough to cause this Senate to override the veto of the Governor.

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

Mr. BERRY: Mr. President and Members of the Senate: We have heard the financial status of what would be accomplished by this bill, but I think there is more to it than that. I would urge the Senate to override this veto on L.D. 660. I believe the logic behind the need for this legislation is simple and straightforward.

The elderly people of this state, the low income families, not to mention the rest of the people, have been pushed to the wall by the current economic difficulties. We cannot afford to buy or rent decent housing. We need good housing at rates that we can afford. The federal government has finally broken down and started a program which will help us to obtain some of this desperately needed housing. In order to build and rehabilitate this housing, we have to have construction money. This legislation assures us that there will be available funds. We can do this without appropriating one dime. This bill does not touch our state budget, except to increase our revenues. The people are the affected parties in this bill, the people in Maine who need this housing, and I think it is the duty and the obligation of every member of this legislature to give all the help they can to these people.

The PRESIDENT: The Chair recognizes

the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, we are really dealing with two problems here today. One is the question of whether or not the passage of this bill will influence our future rating, and the second is the policy question as to whether the state wants the Maine Housing Authority, which up to now has been restricted to acting as a secondary market for home mortgages, to get into the business of construction loans, and I think both of those are the problems that have been addressed here today.

I suggest that when the Senator from Cumberland, Senator Conley, in good faith, calls up a bonding house and asks for an answer to an extremely complicated question, and his staff man comes up with one point of view, and the executive office has their staff person call up the same bonding company and comes up with another point of view, I think the Senate ought to be aware of how complex the problem of trying to get a very simple answer to a very complex question is. The fact is that there is not a living soul in this chamber who can absolutely guarantee with any assurance that the passage of this act will adversely affect our credit. But on the other hand, there isn't a living soul in this Senate who can stand up with a clean conscience and absolutely assure us that the passage of this act will not adversely affect the credit of the State of Maine. The establishment of a state's credit is a whole series of little things: the passage of an appropriation bill, the passage of a bond issue, the declining economy. And every time you toss one little feather on the scale, no matter whether it is a guaranteed obligation, or whether it is revenue bonds, or what, where the name of the State of Maine is involved you affect the total investment picture in the State of Maine. And that puts it about as simply as I can.

Let's talk just for a minute about the more interesting policy question though. Do we want the State of Maine to get involved in construction loans? We have never done it before. Some states have done it. And if you have been reading the nation's newspapers in recent years, you will find out that there is scarcely a state that has gotten into this morass of getting directly involved in construction loans that has not been tainted by scandal. It is a very, very difficult situation to get into.

I originally supported the Maine Housing Authority because I felt its principal purpose was clean and sweet, taking these mortgage dollars off the backs of the banks so they could turn around and recirculate new mortgage dollars. But if you will take a look at the bill itself, to give you an idea of what kind of morass we are getting into, under section 4724, rules and regulations, it should make it very clear to anyone that this not a simple matter of local banks saying we will contribute 15 percent and then having the state just go the other 84 percent. The bill very properly realizes that the state cannot get involved in any construction loans to the extent of 85 percent without carefully delineating rules and procedures and protecting the nature of our investment. And section 4724 clearly says to me that one of the things that this bill does is significantly expand not only the responsibilities of the Maine Housing Authority but the complicated nature of those responsibilities, and it means increased staff to me.

Deep down inside, I want the State of Maine to restrict its entry into the housing field to offering secondary mortgage

possibilities for our state banks, buying the mortgages from the banks, and staying out of cash involvement in construction loans. The federal government has nibbled on this and gotten into it, and God knows how complicated their involvement, but if there are any federal dollars available for construction loans, let's use them. But for heaven's sake, let's think very carefully before getting the state into what I really, really consider is a morass, a morass that can only suck us in deep into uncharted waters and perhaps undo some of the good the proponents would like to see done.

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

Mr. WYMAN: Mr. President and Members of the Senate: I can only concur with the remarks made by the good Senator from Cumberland, Senator Berry, and the good Senator from Kennebec, Senator Katz. I think about the condition that New York City is in, I think about the condition our mother state, Massachusetts, is in, and as the good Senator from Kennebec said, it is just these little things all put together that cause the problem. I simply cannot vote to override this bill, and I hope the legislature sustains the veto.

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

Mr. CURTIS: I am sorry that another matter drew me away from the Senate during much of this debate, but I would like to express my support for this bill. I think it is important that we extend the area of state concern so that as much housing as possible can be constructed in this state, especially for the people who are going to most benefit by this type of construction, those of low income and especially the elderly.

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

Mr. CARBONNEAU: Mr. President, I would like to pose a couple of questions through the Chair. One is, don't we have a Maine Building Authority at the present time, and aren't the funds we are talking about now federal funds?

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, presently the Maine Housing Authority concerns itself with buying mortgages, existing mortgages, from banks, so that the banks' money can be freed up and then they can turn around and support other mortgages. The proponents of this bill would for the first time get us into construction loans, which are the temporary loans during the process of building. In that case, we would not be involved with federal funds; we would be involved with 15 percent of the funds from the banks and 85 percent from the Maine Housing Authority, or state dollars.

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

The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators Berry, R.; Collins, Cummings, Graffam, Jackson, Katz, McNally, Roberts, Trotzky, Wyman.

ABSENT: Senator Thomas.

A roll call was had. 22 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with one Senator being absent, it was the vote of the Senate that the Bill become a law notwithstanding the objections of the Governor.

Sent down for concurrence.

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

Mr. **CONLEY:** Mr. President, having voted on the prevailing side, I now move reconsideration whereby this veto was overridden and would ask the Senate to vote against me.

The **PRESIDENT:** The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby this veto was overridden. 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.

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

Enactor

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

Emergency

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)

This being an emergency measure and having received the affirmative votes of 31 members of the Senate was Passed to be Enacted and signed by the President.

Thereupon, under suspension of the rules, presented forthwith by the Secretary to the Governor for his approval.

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

Bill, "An Act Amending the Elderly Householders 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 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 Wyman of Washington.

Pending — Motion of Senator Berry of Cumberland to Indefinitely Postpone.

(In the House — Passed to be Enacted.)

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-755).)

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

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

Mr. **KATZ:** Mr. President, in a session that was dedicated to not raising taxes, this places a multi-million dollar tax on Maine business, a fact that most of them I am sure are not aware of. It was my understanding that there might be an amendment offered on this bill. Through the Chair, might I ask if anyone intends to amend this bill in the Senate?

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. **KATZ:** Mr. President, this legislation takes Maine off on a completely new tack with respect to unemployment benefits. Up until now all unemployment benefits were based upon the actual compensation of the employee. Now, for the first time, the proposal is that the number of dependents of a worker will be a factor in the computation of his unemployment benefits, and for some there could be a maximum increase in unemployment benefits up to as high as 50 percent beyond what they are presently receiving today.

When it comes to paying a worker, the number of his dependents is not a factor. As a matter of fact, I would presume that in the spirit of equal opportunity or affirmative action that in many cases is against the law to differentiate between two employees doing similar or identical work based upon the number of children or sex or any other factor. Equal pay for equal work. But this legislation departs from the concept of equal pay, equal work, and in insurance it attempts to set up a whole new system of compensation to the unemployed worker based upon the number of dependents. In the process, it puts up an additional burden, a multi-million dollar burden, on an employment fund that is on the verge of bankruptcy.

I think that these are pretty factual statements I am making. If I could withdraw the word "bankruptcy" and say instead, because it is more polite, that the fund is just about to run completely out of money, it might be more accurate.

But I point this out to the Senate because it is an important bill, it does place a

significant burden at a significantly increased tax on employers for social welfare purposes that probably should be paid by all taxpayers because the societal problems are clearly societal problems and not business problems. I think I would feel much more comfortable if we attempted to ameliorate the difficulty conditions of Maine's unemployed by pursuing state resources rather than putting another multi-million dollar burden on Maine business, which is having a pretty tough time as it is now.

On that basis, I would oppose the passage to be engrossed and request a division.

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

Mr. **PRAY:** Mr. President and Members of the Senate: The Labor Committee focused on two inequities of the unemployment system. First is the abuse of the system by a sizable number of Maine citizens who are not really attached to the work force, and thus they use the unemployment fund as a quasi-welfare system funded by those people who are working. The second is the inequity of the benefits to those dedicated workers who perhaps are laid off due to the fact of no reasons of their own but because of the economic conditions that we face today. These are basically the middle aged workers who are locked into a labor market and, most important, have a home and a family to support. And the committee felt that too many people were collecting unemployment too easily, young people or perhaps wives working a couple of months, perhaps in the summer and they earn enough money to collect through the winter. We felt this was wrong and, of course, this was an abuse. These people consistently collect benefits and deplete the fund.

So what we attempted to do through a number of steps — and I would like to answer some of the comments made as to what this is going to do — first of all, the bill raises the amount that a person must earn in order to collect the benefits from the \$600 presently to \$800. That is in one quarter. He also has to in a second quarter earn at least \$250, and this has to be in the non-high quarter. Thus, a worker must work longer to qualify for workmen's unemployment over a six-month period before they can collect. This reform was suggested by the Commissioner of Manpower Affairs and pretty well agreed to by people on both sides of the issue. By doing this, it is estimated we will save the unemployment fund over 2½ million dollars in the next fiscal year.

The second inequity is the inequity of the burden for an individual, as I have said, that is perhaps 45 years old, a factory worker or something, and a family man who is laid off. He is locked into his trade. By this time he is too old to change trades or to move around as a young person can. And looking at the problems of unemployment, especially in the State of Maine, and the benefits that are paid, Maine is quite low in its benefits. It is true that we face a problem today with high unemployment, and I hope it is one that won't last too long, one that an economic upswing can change a lot of the problems that we have, but right now in the State of Maine presently an individual cannot collect more than \$74, and that is a maximum. The average check in the State of Maine is \$49. Now, you take an individual who has perhaps worked for a

company for twenty years and for some reason becomes unemployed, if he has got a kid in college and he has his mortgage payments, and whatnot, he has got two or three kids to support, it is going to be awfully hard for him, even if he is on the maximum end of it, to live on \$74.

Now, the Labor Committee does not feel that the young individual, the single individual, say a 19-year old single, unemployed worker, needs much more money. The person that needs the money is the individual who is tied in and the individual that suffers the other problems, such as the mortgage payments to meet, car payments, and perhaps a kid in college, but bringing up a family anyway.

Now, a number of other states in the surrounding area — as a matter of fact, in New England we have three states, Massachusetts, Rhode Island and Connecticut, that have gone along with this type of improvement in the fund. There are two steps you can take: across the board, which will increase it for everybody. It is going to help the individual who doesn't need that much help, and it is not really going to help the individual on the top end that needs it, the man that needs the extra money just to exist and survive. So we, the committee, chose to adopt the program that existed in these other states and decided to follow the dependency allotment route.

Stripped to the essentials, this bill will give the unemployed breadwinner, the household of the family \$7 for each child. There is a limitation on there of 50 percent of what his unemployment benefits are. In other words, if an individual is collecting, say, \$60, and he has five kids, he cannot collect \$35, \$7 for each child, but he can only collect \$30, that meet the dependency requirement.

Now, the comments that have been going around as far as how this is going to affect the rate of the businessmen, I talked to the Bureau of Manpower Affairs, I talked to a Mr. Leathers at 3 o'clock this afternoon as to how this would affect the business rate. First of all, you have to realize that the formula is set, the legislature set the formula, and according to Mr. Leathers this will not affect the rate. We know the unemployment fund is going to go, it is just about depleted at this time, this bill would not become law until ninety days after legislature adjourns, and it would not affect the present cost or the present fund at all.

As far as the rate changing to the employer, it was his comment — and again I quote from Manpower Affairs, the individual who is running the unemployment fund — that this will not affect the rate. The rate is going up anyway. Whether this bill becomes law or not, the rate is going to go up, and it can only go up one-half of a percent. These employers are going to be hit with an increase, no matter what we do, because the fund is going dry. It is going dry by this time next year in over thirty states in the union.

So this argument, I think, is really ill-founded. A lot of individuals can run around a year later, if this bill becomes law, and say look, I told you the fund was going to go up, the rate was going to go up. The people in the Unemployment Commission right now say these rates are going to go up no matter if this bill is passed or not, and they cannot go up any more if we pass this or not.

Now, the total cost of the program was discussed yesterday and we know what it

is going to go up to, and eventually what is going to happen is the same thing that is happening to other states, and that is that they are borrowing from the federal government. This is something that is coming, no matter if we pass this or not, also. I think the main question, and we understand this program is an insurance program, is that we are faced today with the situation as to who are we going to help in these hard economic times of inflation hitting the unemployed as much as it hits the employed? Are we going to go across the board as in the alternatives given to the committee, go across the board and raise everybody up a little bit, or are we going to help the guy that needs it, the man who has got a family? I think the question is clear. We have to help these individuals. I myself on the committee first spoke in opposition to this, and through continuous debate in committee I swung around and saw the light. I would like to think that if we are going to help these people then we have got to start with the people that need it the most, and that is the family man, the man that is middle aged. We have got a lot of abuses, but it is a small number of the total people collecting. And my concern is the total number of people collecting that need this, and they need it as soon as we can give it to them.

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

Mr. COLLINS: Mr. President, I agree wholeheartedly with the human needs philosophy expressed by the Labor Committee. I cannot agree that this method is the way to meet that need, because this is very clearly regressive taxation.

The good Senator from Penobscot has said that this scheme is an insurance scheme. We know that ultimately in order to pay out of funds money must go into the fund to be available for payments, and I see down the road an increasing levy against the employer to fund this so-called insurance fund. It is regressive taxation because it falls against those who are suffering a loss in their business or just breaking even as much as it falls against those who are making big profits in their business. This sort of human need should be reached in another manner, because if we begin to turn unemployment compensation into a welfare human needs method of recognizing a difficult time, we are setting a precedent that creates an entirely different approach to a system that we have long known and I fear will defeat the system in the end.

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

Mr. ROBERTS: Mr. President and Members of the Senate: I would just like to make two points that I don't think have been touched on here. What Senator Collins says is true, and Senator Katz as well, that this is an approach that is different than anything we have done here in the State of Maine. It is not different than what is done in other states, some other states at least. But I might add that there are two things that this fund was never intended to do, and yet we have to use it. It was never intended to fight a depression, or even a recession, if you want to argue as to which this is. Unemployment was mainly to take out the bumps in the road, if you want to use that expression; in other words, the situations which are either with one particular plant or one particular industry for a relatively short period of time. Now, we are in a long and what appears, from everything we

can hear from the economists, a long period of coming out. We may be on the way out and we all hope we are, but even so, nobody says it is going to turn around tomorrow. So, consequently, we have that situation which is different than the ordinary situation.

The second thing we have which is different is that we have a situation here where we have to realize that even though we are in a recession we are at one of the highest levels of inflation that the country has ever known. Our previous depressions, if we can believe what we read in history, followed a decline in prices, a decline in work, a decline in the cost of living. We have had just the opposite in the last six months, and we are still going along at a fairly good clip of inflation. And that inflation certainly affects the people where they are getting \$49, which is the average amount of unemployment in this state, or whether they are getting their maximum, which is \$74. So we have an unusual situation. And I feel, frankly, because of those two factors, we should use an unusual method of trying to combat them.

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

Mr. PRAY: Mr. President and Members of the Senate: We keep hearing reference to the unemployment fund becoming a welfare program. We keep hearing a lot of issues and complaints back home about the size of the budget relating to welfare and whatnot. One fact that surprised me in the hearings and the working sessions of the committee as we went over this bill, looking into all aspects of it, playing to the aspect of it being a welfare type program — and I have got to say something for the Maine workers, the people in this state who do become unemployed, the people in this state who by the requirements and regulations and laws that we pass qualify to fit into a lot of welfare programs that don't. Virtually all of the unemployed workers in this state are eligible for food stamps for example, but only 15 percent of them apply for it.

The idea of the principle that Maine workers who become unemployed are going to use this system as a welfare type program, something that we talked about earlier, one reason we raised the earning quotas as to what they had to earn was an attempt to prevent this and to stop it. And I think as to the fears that have been expressed here, I think Senator Roberts well answered it, that we are faced with a unique situation right now, we have high unemployment, we have an economic system that is poor, we have a fund that is being depleted, and the only answer to solving that problem is that there is going to be an upswing in the economy. The only way that these people, those people on the short end of the stick, those people that become unemployed, are going to be helped, basically, is by a change in the economy.

Now, I see this legislation here as an attempt, as the unemployment fund itself was designed to do, to temporarily help these people who fall upon hard times for that period of time. Now, I would hope the members of this body could look at this bill, with the hours of work and study that went into it on the committee, the committee report that no one signed in opposition, and many people expressed the same fears that have been expressed here, but in the light of the need at this unique time felt that they could not go against the bill. Thank you.

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

Mr. SPEERS: Mr. President and Members of the Senate: This is an extremely important piece of legislation, and I really want to commend the Committee on Labor for their consideration of this and the attitude that they took toward this. They were asked to increase unemployment benefits right across the board, and it was the position of the committee on labor that they did not wish to do this for the very reason that many have expressed that it may become a little too comfortable for individuals on unemployment and retard their desire to get back to work.

The comment has been made many times, and it is very true, that unemployment compensation is not welfare. And I don't think that this state or any other state will ever be able to afford the kind of payments that individuals are talking about that would make other individuals not wish to get back to work. But the Committee on Labor did take a very realistic approach to this matter, in my opinion, in that they have not increased the benefits across the board but have taken into consideration the situation of individuals who happen to have families. The single individual does not have his unemployment compensation increased. But by the same token, the individual who is out of work who happens to have a wife and maybe two or three children is getting the same unemployment benefits, and this simply is inequitable, it is not just, and it creates a particular hardship not only upon the individual who happens to be out of work but upon the family which he has to support through his employment.

Now, the unemployment compensation is an insurance program. It is compensation to the individual to help him get over the rough spots for something that has happened that is not his fault. If he is able to work and a job is available, he is not entitled to these benefits. If he is unable to work, he is not entitled to these benefits. But if he is able to work and no job is available to him, then he can come under the provisions of this insurance program which is designed to get him over the rough spots until some work does become available.

I think the Committee on Labor has taken a very reasonable, moderate approach to this problem in recognizing that it is not only the individual who has a real rough time when, through no fault of his own, he finds himself out of work. It is not only that individual but it is also the individuals who depend upon him for support, for sustenance, and I would urge very strongly the passage of this bill, Mr. President, and would ask for 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 passage to be engrossed of L.D. 1537. A "Yes" vote will be in favor of the passage of this bill to be engrossed; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Corson, Cummings, Cyr, Danton,

Gahagan, Graham, Hichens, Huber, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Roberts, Speers.

NAYS: Senators Collins, Curtis, Graffam, Greeley, Jackson, Katz, McNally, Trotzky, Wyman.

ABSENT: Senators Berry, R.; Thomas.

A roll call was had. 21 Senators having voted in the affirmative, and nine Senators having voted in the negative, with two Senators being absent, the Bill was Passed to be Engrossed in concurrence.

Thereupon, under suspension of the rules, sent forthwith to the Engrossing Department.

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

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

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-750), as Amended by House Amendment "A" Thereto (H-759).

(In the Senate — Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto, in concurrence; subsequently, Passage to be Engrossed was Reconsidered.)

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

Under suspension of the rules, sent forthwith to the Engrossing Department.

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

Bill, "An Act Relating to the Town of York School District and to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 1." (H. P. 1727) (L. D. 1942)

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

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed, without reference to Committee.)

Thereupon, the Bill was Passed to be Engrossed without reference to Committee in concurrence.

Under suspension of the rules, sent forthwith to the Engrossing Department.

Papers from the House

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

Non-concurrent Matter

Bill, "An Act Creating the Maine Energy Authority." (H. P. 1471) (L. D. 1803)

In the House June 17, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-754).

In the Senate June 17, 1975, Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Trotzky of Penobscot moved that the Senate Adhere.

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

Mr. CONLEY: Mr. President and Members of the Senate: This bill was thoroughly debated yesterday and I don't believe that debating it again this evening will change many votes.

The PRESIDENT: The Chair recognizes

the Senator from Androscoggin, Senator Clifford.

Mr. Clifford of Androscoggin then moved that the Senate Recede and Concur, and Mr. Trotzky of Penobscot requested a division. Subsequently, Mr. Clifford of Androscoggin requested a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it requires the affirmative vote 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 Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I ask leave to pair my vote with the Senator from Kennebec, Senator Thomas, who, if he were here, would be voting against the bill and I would be voting for the bill.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now asks leave of the Senate to pair his vote with the Senator from Kennebec, Senator Thomas, who, if he were here, would be voting against the bill, and the Senator from Somerset, Senator Cianchette would be voting for the bill. Is it the pleasure of the Senate that this leave be granted?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I ask leave to pair my vote with the Senator from Cumberland, Senator Berry. If he were here, he would vote against receding and concurring and I would vote for it.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests leave of the Senate to pair his vote with the Senator from Cumberland, Senator Berry, who, if he were here, would be voting against the motion to recede and concur with the House, and the Senator from Cumberland, Senator Conley, would be voting in favor of the motion to recede and concur. 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 Androscoggin, Senator Clifford, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.F., Jr.; Clifford, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray and Reeves.

NAYS: Senators Carbonneau, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers and Trotzky.

ABSENT: Senator Wyman.

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

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

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

In the House June 13, 1975, Passed to be Engrossed.

In the Senate June 17, 1975, Bill and

accompanying papers indefinitely postponed in non-concurrence.

Comes from the House, that Body having insisted.

Mr. Trotzky of Penobscot moved that the Senate Adhere.

Mr. Katz of Kennebec then moved that the Senate Insist and Ask for a Committee of Conference.

On motion by Mr. Trotzky of Penobscot, a division was had. Four having voted in the affirmative, and 23 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

WHEREAS, L. D. 1517, "An Act Adjusting the Maine State Sales and Use Tax on Passenger Motor Vehicles in Accordance with Energy Efficiency," was introduced in the regular session of the 107th Legislature; and

WHEREAS, it was the intent of this legislation to encourage the purchase of energy-efficient passenger automobiles by Maine citizens and to produce an unknown, but substantial amount of revenue for the State; and

WHEREAS, there is a question as to the need of such legislation and, if there is such a need, as to the form and method of applying such a tax adjustment to bring about the most efficient use of our limited fuel supplies; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Energy, to study the subject matter of L. D. 1517 and the need for tax adjustments to encourage fuel efficiency of passenger vehicles; and be it further

ORDERED, that the State Planning Office, the Office of Energy Resources, the Department of Transportation, the State Department Motor Vehicle Division and the Bureau of Taxation be respectfully directed to cooperate with the committee and provide such technical and other assistance as the committee deems necessary; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1728)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Order
State of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of
York High School
State Class "C" Champions

In Girls Track

For the Academic Year 1974-75

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

ORDER and direct, while duly assembled in session at the Capitol in

Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1729)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order
State of Maine

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

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

Officers And Staff of The
107th Legislature

And is Appreciative of Their
Dedicated Efforts

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

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1732)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order
State of Maine

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

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

Julie Myers, Margaret Berryman and Kristine Hoyt of Girl Scout Troop 209 of Cumberland who have achieved the Rank of First Class Scout the Highest Rank in Girl Scouting

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

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1730)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order
State of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Greely High School Which has Compiled a Truly Remarkable Athletic and Scholastic Record for the Academic Year 1975

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

acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1731)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications
State of Maine
Executive Department
Augusta, Maine
04330

June 18, 1975

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

I am today vetoing L. D. 1377, An Act to Require Public Hearings on the Appointments of Departmental Commissioners.

I am vetoing this particular bill for three basic reasons:

1. I strongly favor public hearings before confirmation of persons being appointed to positions of authority and trust within State government.

2. In the case of the Executive Council, should it continue in operation, there are already ample provisions in the State statutes and constitution for public hearings on gubernatorial appointments which require Executive Council confirmation. The Executive Council gets at least a seven-day notice before confirmation and the confirmation proceeding itself provides a second public forum for those who would support or oppose a particular nominee.

3. Legislation is pending to abolish the Executive Council and transferring its confirmation powers to another body. I feel we should wait and see the outcome of this legislation before we give the Executive Council additional authority and responsibility for the following additional reasons:

a. The whole matter of replacing the Executive Council with a new confirmation mechanism is well along in the legislative process. It is arbitrary to impose rules in advance before the body is chosen.

b. Once again, I oppose a piecemeal approach to such problems. The new confirming apparatus should be dealt with in its entirety. Procedures for hearings on appointments should be determined by the new body after it is established, not before. It is not a question as to whether public hearings are desirable: They are. It is the propriety of imposing such rules statutorily in advance of choosing the make-up and powers of the confirming mechanism.

c. I have asked both houses to defer enacting any more bills regarding the Executive Council until we reach a decision on its future status.

d. While the present Executive Council remains functioning, such a hearing procedure already is being implemented, therefore, an extra law on the books is not needed.

For these three reasons, I respectfully ask that my veto of this bill be sustained.

Sincerely,

JAMES B. LONGLEY
Governor

Signed:
(S. P. 598)

Which was Read and ordered Placed on File.

An Act to Require Public Hearings on the Appointments of Departmental Commissioners. (S. P. 429) (L. D. 1377)

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

Orders

On motion by Mr. Collins of Knox;

WHEREAS, the 106th Legislature enacted the provisions of Title 15, section 2161-A and Title 16, section 600 which provide respectively for the expungement of records of criminal conviction upon the receipt of a full pardon by the Governor and Executive Council and for the expungement of certain arrest and detention records upon the dismissal of a criminal charge or upon the acquittal of any person arrested or detained; and

WHEREAS, the cost of implementing said statutes has proven to be greater than originally anticipated; and

WHEREAS, these complaints and the resulting costs from the implementation of said statutes indicate the need for a thorough examination of the methods utilized in the expungement of certain records, criminal arrests, prosecutions and convictions, the cost of such methods and the need for such expungement laws; now, therefore, be it

ORDERED, the House concurring that the Legislative Council be authorized, through the Joint Standing Committee on the Judiciary to study the methods utilized in the expungement of certain records of criminal arrests, prosecutions and convictions, the costs of such methods and the overall need for laws requiring such expungements; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies and notice of this directive. (S. P. 583)

Which was Read.

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

On motion by Mr. Corson of Somerset,

WHEREAS, the Department of Inland Fisheries and Game has been subject to criticism regarding use of funds for various questionable projects such as the "Vilkitis Study;" and

WHEREAS, enactment of environmental laws have placed a great burden upon the personnel and resources of the Department of Inland Fisheries and Game, which is funded by dedicated revenues; and

WHEREAS, the Legislature is concerned that permit fees are occasionally used to fund various projects which might have properly been funded from other revenue sources; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Performance Audit, to study the operations and funding methods of the Department of Inland Fisheries and Game and to determine whether or not the present system of dedicated funding is sufficient to meet the requirements placed upon that department by statutes and regulations; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (S. P. 587)

Which was Read.

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

Committee Reports

House

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Conform Certain Maine Statutes to the 14th Amendment of the Constitution of the United States, to Title VII of the United States Civil Rights Act of 1964 as Amended in 1972, and to the Maine Human Rights Act." (H. P. 731) (L. D. 931)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Revising the Rate Tables for Tax Imposed on the Income of Individuals." (H. P. 1347) (L. D. 1701)

Reports that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Expungement of Records of Arrest." (H. P. 782) (L. D. 953)

Reports that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Rad and Accepted in concurrence.

Senate

Leave to Withdraw

Mr. Clifford for the Committee on Judiciary on, Resolution, Proposing an Amendment to the Constitution to Provide a Non-jury Trial for Petty Criminal Offenses. (S. P. 15) (L. D. 89)

Reports that the same be granted Leave to Withdraw.

Which report was Read and Accepted. Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Resolution, Proposing an Amendment to the Constitution Limiting the Right to Trial by Jury in Criminal Prosecutions to only those Instances in which the Accused may be Imprisoned or Suffer Loss of Liberty or be Fined more than Five Hundred Dollars. (S. P. 329) (L. D. 1115)

Reports that the same Ought to Pass.

Signed:

Senators:

COLLINS of Knox
CLIFFORD of Androscoggin
MERRILL of Cumberland

Representatives:

HEWES of Cape Elizabeth
HUGHES of Auburn
HOBBINS of Saco
SPENCER of Standish
MISKAVAGE of Augusta
McMAHON of Kennebunk
PERKINS of South Portland
BENNETT of Caribou

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

Signed:

Representatives:

HENDERSON of Bangor
GAUTHIER of Sanford

Which reports were Read, the Majority Ought to Pass Report of the Committee Accepted and the Bill Read Once. Under suspension of the rules, the Bill was Read a Second Time.

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

Senate Amendment "A", Filing No. S-333, was Read.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I know the hour is late and I will try to be brief, but I think this is a very important matter and I would hope that we would not accept Senate Amendment "A". I would move that Senate amendment "A" be indefinitely postponed.

Last week the Senate had before it a resolution proposing an amendment to the Maine Constitution to eliminate the right to a trial by jury to those instances where the fine would be \$500 or less and where a prison sentence would be six months or less. That measure was debated thoroughly in this chamber, and the bill is now dead.

This bill, L. D. 1115, is the resolution to which we referred in that debate, and is the result of the commission on the revision in the court system and is the recommendation of that commission. This bill likewise puts a limit on the right to an accused's trial by jury, but it limits that right to where the fine is more than \$500 and to where there is a jail sentence. So the elimination goes to minor offenses where there is no threat of loss of liberty.

Now, I think the debate last week on the other bill was very lengthy, and my position was that we should not eliminate the right to trial by jury where there can be any loss of liberty. I think we discussed the fact that in the court reform as passed we have changed our traffic laws so that the minor traffic offenses are no longer criminal but are civil offenses and there will be no longer the right to a trial by jury, and that the legislature will be in a position, should this constitutional amendment pass unamended, to look at its criminal statutes and the sentencing provisions in those statutes and to change those sentencing structures, so that in those offenses which the legislature considers to be minor the jail sentence can be knocked off and we can make another substantial step in the continuing attempts to improve and speed up our judicial process.

I think those issues are clear, but I think there is another issue involved in this Senate Amendment "A" which I think really should be the deciding issue today. Senate Amendment "A" is not going to pass this legislature. That is a fact and everybody knows it. If we are serious about limiting the right to trial by jury, about speeding up our judicial process, then we should vote to indefinitely postpone Senate Amendment "A", because everyone in this chamber knows that the only constitutional amendment which has got a chance to pass this legislature to go before the people is L. D. 1115 unamended. So on the vote today, if you vote to adopt Senate Amendment "A", I am afraid that you are, in effect, voting to retain the trial by jury status quo, so there will be no change, there will be no improvement in this area, because the resolution will not pass.

We are on Wednesday hopeful of the

final week of the legislature and we are in the final days. 1115 unamended is going to have a difficult time to pass the other body. Amended, there is no way. That is the issue, voting to postpone Senate Amendment "A" is a vote to make a substantial change in the right to trial by jury, to take away that right in the minor offenses, and to allow this legislature in the special session to come in and take a look at the statutory crimes and the sentencing for those crimes and really to accomplish something. I think the important thing is to take one step at a time, to accomplish what we can accomplish, and to not muddy the waters and end up defeating the whole purpose of both amendments. Thank you, Mr. President.

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

Mr. COLLINS: Mr. President and Members of the Senate: We had placed on our desks this week a green covered book called, "Crime in Maine". If you have read that booklet, you will see that in a period of six months, July through December 1974, the crimes of murder, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft, number 20,819. The number of offenses cleared in that same period of six months, 4,302, or 20.7 percent. I call upon you to take a bigger step than that requested by my friend, the Senior Senator from Androscoggin, Senator Clifford.

The bill that we debated last week called for taking a step nearly a mile long perhaps. By the same token, the bill before us now in its pristine state without amendment would take a step about one foot in length. I voted affirmatively on the bill. I would rather move one foot forward than stay still. But I am following, with the help of the good Senator from Somerset, Senator Corson, the advice given to me by the Chief Justice of our Supreme Court of Maine. He said in a letter to me last November, "I acknowledge your letter of November 23, and I can say that all of my colleagues and myself on the Supreme Judicial Court would favor the constitutional amendment which you propose to introduce in the next legislature." That was the item we debated last week and which came to its demise in the other body. The Chief Justice goes on in the second paragraph; "Realizing, however, the facts of life, we believe it may be difficult to have citizens' approval of such a measure." How wise he was, much wiser than the freshman Senator from Knox, I can tell you. "We do believe that the Maine Trial Court Revision Commission may recommend similar legislation by confining the limitation of the concept of petty offenses to an offense punishable at no more than 90 days or a fine of \$500 or both. We on the Judiciary would go along with the latter proposal." So I am asking you to go half a mile. We need the mile, but the half a mile is certainly better than the one foot step in this situation.

My real adversary in this matter, I suspect, is a former member of this body, a very sincere, a very personable, and a very able man who is now our Attorney General. When this matter was presented to committee, the Portland papers headlined it, "A.G. against non-jury trials if jail terms possible." It lines him up with the Maine Civil Liberties Union, saying, quote, "I strongly believe we should save our jury system for any criminal prosecution which may involve

deprivation of liberty for even the shortest period of time." But the fact is, ladies and gentlemen, that in 49 out of 51 jurisdictions in this country it has long been recognized that that is not a practical or sensible standard for the administration of justice. And why do we have almost 80 percent of the crimes committed in this state not cleared? Well, there are many reasons, of course. We will never approach 100 percent. But I will tell you one reason is that our police are kept busy running back and forth to the courthouse by delay after delay after delay. And those delays time and time again are caused by misdemeanants, people who have committed very minor infractions in the relative scale of offenses, who ask for a jury trial when they know darn well they don't really expect to have one. The time wasted by our police, the time wasted by our prosecutors, our judges, is tremendous, and the waste of talent is an insult to our intelligence in this system.

My friend says that if we adopt this amendment in its pristine state, so that there is no jury trial only in those cases where a mere fine is involved, a modest fine at that, that we can then go at our statutes and amend out of those statutes those provisions that call for incarceration for offenses, so that they will simply say a fine of up to \$100, \$200, \$300 whatever it may be, but no jail sentence. I submit to you that this is asking for trouble in our system. And I point out to you a very recent reason why it asks for trouble in our system, and that reason appeared in a case litigated in the State of Maine and prosecuted by none other than our present Attorney General, according to the headnote on the case, the case of Blackwell against the State of Maine. That case reveals some of what our Supreme Court of the United States is doing in these cases where there are fines which are not paid. And our Supreme Court of the United States is telling us — it hasn't focused in on the State of Maine yet; it hasn't completed its delineations in this field yet — but it is telling us in the cases thus decided that if a man is convicted and is sentenced to pay a fine, and he doesn't have the money, you can't put him in jail. At the present time in the State of Maine, if you are sentenced to pay a fine and you don't have the money, or you won't pay the money even if you have it, you are put in jail, and at the rate of five dollars a day your fine gets paid off by the imprisonment. Or if you have the money and can pay, and won't pay, then the Supreme Court, I think, would permit you being thrown into jail.

The point is that so many of our serious crimes, and even more so a lot of our misdemeanors, and this is what we are talking about today, the modest crimes, so many of those are committed by those who are "indigent". We know this because if we read the papers, the court news, or follow it in any degree, as I do, we know that every day nearly 50 percent of the defendants are eligible for appointment of a court-appointed attorney because they have no money, they are indigent. And if they can't afford to pay an attorney, how can they afford to pay a fine? If they can't pay a fine, aren't they pretty well going to know very shortly that there is really no sanction in the law, that they can commit these misdemeanors with impunity, be assessed the fine and say, "I can't pay", so they go home and that is all over? This is the great weakness that I see.

So I would urge upon you that while great length of incarceration is not

important, we know, if we know anything about crime, that it is not the length of sentence that is important in deterrence; it is the certainty that something will happen and the speed with which it happens. It is not so important whether a man is sentenced to a year or six months or three months, but it is important that justice be prompt, that he be brought into court quickly and the facts faced. If you have brought up children, as I have, you know how little good it does to spank the child three days after he commits the offense. There are still a few of us that spank a child occasionally in the process of raising them, and the important thing is to get that spank in the right place quickly. So I ask you, in the interest of improving our system for the administration of criminal justice, to take a good look at this amendment proposed by Senator Corson.

This amendment is my suggestion of compromise, half way between the position I would like and the position which the good Senior Senator from Androscoggin, Senator Clifford, and our Attorney General would like. The result of it is that most of our drunken driving cases will be eligible for trial by jury, and this is one of the important areas where members of my profession again and again are anxious to have the jury trial available. So it is a compromise that I do not like to make, but I think it is important that I offer it to this body. And I cannot agree with my brother that the whole thing will be turned down in the other body. The other body has yet to hear a real debate of this issue, and if we send it to that other body with an overwhelming endorsement, I can promise you that they will hear a debate of this issue, and who can say, they may face up to it. Thank you, Mr. President.

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

Mr. MERRILL: Mr. President and Members of the Senate: I realize the hour is very late and I will be very brief. I feel the need to say a couple of things about this because it is so important and because the issue of compromise has been raised, and I think all of us like to be in a position of compromise, like to be in a position where we can give a little and take a little in equal measure.

There came before our committee in this session two bills to deal with the matter of jury trials. One was the product of a commission that spent a long time looking into the matter — it has been referred to earlier in the debate — and after that commission, with a cross-section of people interested in law and order in this state, looked at that matter, they recommended that bill. That bill was sponsored by the Senator from Androscoggin, Senator Clifford.

There was another bill that was the product of the pen of the good Senator from Knox who just spoke. We considered both of those bills. There were many on the committee who preferred the bill sponsored by the Senator from Androscoggin, Senator Clifford, which is the product of this commission. This bill, of course, was sponsored by a Democrat, and the other by a Republican.

However, in fairness to the chairman of the committee, setting aside any partisan reasons for acting otherwise, the chairman's bill was reported out first and given a full debate in this body and given consideration in the other body. The bill was rejected. Pursuant to the agreement

that was alluded to in the previous debate, the bill that was the product of the commission, the bill that was supported by the majority of the committee, was then reported out to this Senate, and it was reported out with just two people on the Ought Not to Pass Report. Today we see what may be a very sincere attempt to amend that bill but will certainly result in its death, and what I think, knowingly or unknowingly, and certainly not willfully, violates the spirit of the compromise that was worked out in terms of the timing of these two bills.

Frankly, I am very reluctant to take away the right to jury trial for anything. And frankly, it is because of the persuasive powers of the Senator from Androscoggin and the present Attorney General, the man who preceded me representing District 10, that I have compromised to the degree that I have to support the bill of the Senator from Androscoggin, Senator Clifford. I think it is a compromise, it is a compromise that was worked out by a lot of people who are concerned about law and order. And there are a lot of people who are concerned about law and order that support this compromise.

I think that if we want to do anything in this regard we should reject this amendment. And I think we want to keep one thing in mind in a substantive way that there are lots of reasons to ask for a jury trial. Some are to delay, and some are to take advantage of a trial by peers, which I think we should give every citizen the right to do, as our forefathers prescribed that they should. One of the reasons that Maine is one of two jurisdictions left that has this protective right to jury trial in all these instances is because Maine's Constitution spoke so clearly, spoke so certainly to this matter, because it was so important to the people who put this state together that we assure this right. Frankly, I haven't seen much reason to doubt them.

If we want to talk about those other 49 jurisdictions that are so concerned about law and order, let's look at the crime rate. Let's try to get the book that is the equivalent of this book in those other 49 jurisdictions and see how smoothly and efficiently their system is working right now, and see in the State of New York, that doesn't have such a restriction, let's see how the system in moving down there and if things are zinging right through the system and they have efficiency and respect for the law.

This is a reasonable compromise, it is one that I was willing to make, and I hope that it speeds things up. But ultimately our court system is going to improve only from attention, only from efforts to improve it that we have started here in the 107th, with the cooperation and the work and the guidance from the chairman of the committee, the Senator from Knox, Senator Collins, those are the efforts which will ultimately improve our system, and not efforts to take away the most important right of the accused, the right to a trial by his peers.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: This 1115 has been given a title of "the bill of the Attorney General of the State of Maine." It actually came out of the Trial Court Revision Commission. On that Commission was Attorney General Joseph Brennan, a district attorney, Thomas Delahanty II,

who is a prosecuting attorney in the County of Androscoggin, Oxford and Franklin; Jon Lund, former Attorney General of the State of Maine; Louis Vafiades, eminent trial lawyer in the State of Maine. These are some of the people on that commission which reported out the recommendation of 1115 in its unamended version.

I can say to you that 1115, unamended, is going to have a difficult time to pass the other body. Two members of the Judiciary Committee, one the House Chairman and the other a very articulate member, have signed against 1115 in its present form. It is going to be difficult to muster the two-thirds for 1115 in its present form. With this amendment, it is absolutely dead. I can assure you of that. But the other bill which we debated last week, and which the Senator from Knox, Senator Collins, said there was no real debate on, went in the other chamber three times. Each time it was defeated, and it was reconsidered and on that time it was defeated.

So the issue is that if we are serious about reducing in a compromise, modest way the right to a trial by jury, we are going to vote against Senate Amendment "A". If we are not serious about it, if we want to play politics with it, if we want to get at the present Attorney General, then we will vote for Senate Amendment "A", because if we vote for Senate Amendment "A" we are going to retain the absolute right to trial by jury for any crime. That is the issue before this body. If you are serious about speeding up the process, you vote against Senate Amendment "A". If you want to keep the status quo, then you vote for Senate Amendment "A" because Senate Amendment "A" means the death of this bill. Thank you, Mr. President.

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

Mr. CORSON: Mr. President and Members of the Senate: I would like to preface my remarks by stating outright that I have the utmost respect for the legal profession. Unfortunately, my viewpoint in this matter is not shared by a majority of the people I represent. Just as the public image of politicians is marred and besmirched by the actions of a few bad apples, so too is the integrity of the legal profession brought into doubt by the actions of a small minority of attorneys who refuse to recognize their duties as officers of the court.

I was brought up with a very strong belief in our system of government and in our system of justice, a system that presumes the innocence of the accused and a system that would insure equal protection and equal justice for all who come within its bounds. And I have always understood, perhaps incorrectly, that it is the duty of the defense attorney to insure that the defendant receives a fair trial, that the procedure is within the law, and that the rights of the accused are protected, as they must be if we are to remain a nation and a state subject to the rule of the law and not the rule of men.

I do not believe that it is the duty of the defense attorney to secure the release of his client by any and all means possible, and if the weight of the evidence is such that an acquittal would be unlikely, that the defense attorney must delay, postpone, delay by any means available, so that the witnesses may move away or become otherwise unavailable, or the mere passage of time may erode the case for the state. No, Mr. President. I cannot believe

that this is the way in which our system of justice is meant to function. If that is the case, we are no longer subject to the rule of law, but we have abandoned the law in our search for justice and have turned instead to men, and this is indeed a tragic situation.

Can any one of us say in all honesty that our judicial system as it now functions in the State of Maine is dispensing justice, when so many of those accused of crime are never brought to trial, when so many of those accused who are finally brought to trial after months, yes, even years of delay, are released because time has eroded the evidence and misplaced the witnesses? Is this the justice which we in our Constitution have guaranteed our citizens? I submit it is not.

Because of the logjam in our courts, we now find ourselves involved with a sick and perverted distortion of justice, a system that not by design but by circumstance preys upon the weak, the helpless, the poor in our society, yet works well indeed to the advantage of the accused who has the financial resources to procure the attorneys and pay for the legal footwork necessary to delay and to delay and to delay justice. The poor man cannot afford to take advantage of this situation, but the wealthy man can.

Mr. President, I am sorry for our state, I am sorry for our people that we have not corrected this unequal situation, and I am sorry for that small minority of attorneys that so distort our system to their own advantage. I wonder what they say to the face they see in the mirror when they shave. Do they tell themselves they have served justice? Do they rationalize their perversion of our judicial system with high-minded phrases and pious platitudes? Or are they honest enough to admit to themselves that they are mercenaries feasting upon the misfortunes of our citizens and growing fat while justice dies?

Mr. President, I don't know how the members of this small minority of bad apples lives with itself, how these people face themselves. Frankly, I guess, I really don't care. But I do know that I have to live with myself, and I have to face myself in the mirror each morning when I shave. I am going to support the enactment of this amendment. And in so doing I will be confident that by this simple act of voting I will be doing more for the cause of justice, more for the rule of law as opposed to the rule of men than I have ever done before or could ever do with any measure before us this session. And I do not feel that my voting in this body should be altered or intimidated by threats of any action that might take place in the other body; I am going to do what I think is right for the people of the State of Maine and I hope you will join me in doing the same.

The PRESIDENT: Is the Senate ready for the question? The pending question is the adoption of 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. 15 having voted in the affirmative, and 14 having voted in the negative, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Under suspension of the rules, sent down forthwith for concurrence.

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

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

Tabled — June 13, 1975 by Senator Speers of Kennebec.

Pending.— Consideration.

(In the Senate — Passed to be Engrossed.)

(In the House — Bill and Accompanying Papers Indefinitely Postponed, in non-concurrence.)

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

Mr. SPEERS: Mr. President and Members of the Senate: We have had considerable debate regarding the problems of energy and the problems of power authorities for the State of Maine, and we have before us a viable alternative to many of the proposals that have been made in the past. There is undeniably renewed interest in the possibility of harnessing the tides at Passamaquoddy to provide electric energy to the people of the State of Maine.

I note with dismay that this bill has been dispatched in the other body after having been passed in this branch, and I certainly hope that we will give that other body a second chance to take another look at this bill and, hopefully, go along with the Senate in creating this authority.

I would move that the Senate adhere to its former action whereby this bill was passed to be engrossed, and I would ask for a roll call.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate adhere to its action whereby this bill was passed to be engrossed.

A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call 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 Speers, that the Senate adhere to its former action whereby this bill was passed to be engrossed. A "Yes" vote will be in favor of adhering; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

NAYS: Senator Katz.

ABSENT: Senators Berry, R.N.; and Thomas.

A roll call was had. 29 Senators having voted in the affirmative, and one Senator having voted in the negative, with two Senators being absent, the motion prevailed.

Enactors

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

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

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

An Act Insuring Due Process of Law to Consumers in the Foreclosure of Real Estate Mortgages and to Require Accounting for Surplus Therefrom. (S. P. 397) (L. D. 1283)

An Act to Remove the Town of Medway from the Maine Forestry District. (H. P. 228) (L. D. 284)

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

An Act Changing the Composition and Duties of the Maine Real Estate Commission and Establishing the Bureau of Real Estate. (H. P. 277) (L. D. 424)

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

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

An Act Amending Laws Relating to Juvenile and Correctional Institutions and Judicial Dispositions. (H. P. 518) (L. D. 647)

An Act Relating to Personnel Classification and Functions of the Review and Evaluation and Fraud Investigation Division of the Department of Audit. (H. P. 1122) (L. D. 1409)

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

An Act Relating to Public Compensation to the Victims of Crime. (H. P. 1401) (L. D. 1787)

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

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

An Act Requiring the Disclosure of Information in Certain Used Car Sales and Concerning Used Car Warranties. (H. P. 1708) (L. D. 1934)

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

An Act Authorizing the Licensing of Indoor Tennis Clubs, Indoor Ice Skating Clubs and Golf Course Clubs for the Sale of Alcoholic Beverages. (H. P. 1631) (L. D. 1906)

Mr. Corson of Somerset moved that the Bill be tabled and Tomorrow Assigned; pending Enactment.

Thereupon on motion by Mr. Clifford of Androscoggin, a division was had. 16 having voted in the affirmative, and 15 having voted in the negative, the motion prevailed.

Indefinitely Postponed

An Act Establishing Education Requirements for Licensing of Real Estate Brokers. (H. P. 1677) (L. D. 1924)

Comes from the House, Indefinitely Postponed.

Mr. Speers of Kennebec moved that under suspension of the rules, the Senate reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

Mr. MERRILL: Mr. President, I would inquire of the majority leader for what reason he asks the Senate to suspend the rules?

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a

question through the Chair to the Senator from Kennebec, Senator Speers, who may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I would propose to offer an amendment, under Filing Number S-335, which would remove the sections which require existing brokers to take an educational course for renewal of licenses, which I understand they would have to do every six months under these sections. It does not delete the other sections of the bill which are not objectionable to a majority of the members of the legislature and would benefit the bill in going through the process.

The PRESIDENT: Is it now the pleasure of the Senate under suspension of the rules to reconsider our action whereby this Bill passed to be engrossed?

The Chair recognizes the Senator from Kennebec, Senator Reeves.

On motion by Mr. Reeves of Kennebec, a division was had. 22 having voted in the affirmative, and six having voted in the negative, the motion prevailed.

Mr. Speers of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-335, was Read and Adopted.

The PRESIDENT: The Senate will be at ease.

Called to order by the President.

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its action whereby Senate Amendment "A" was Adopted, and on subsequent motion by the same Senator, Senate Amendment "A" was withdrawn.

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

Thereupon, on motion by the same Senator, tabled and Tomorrow Assigned, pending Adoption of House Amendment "A".

Emergency

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

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

Communications

State of Maine
Executive Department
Augusta, Maine
04330

June 18, 1975

To The Members of the House of Representatives and

The Senate of the 107th Maine Legislature

I am returning to you today without my signature and approval L. D. 1152, An Act to Clarify Standing Before The Board of Environmental Protection.

The objective of this bill is to avoid delays, a study shows that a majority have hearings of the Department of Environmental Protection. While recognizing that there have been some delays, a study shows that a majority have not been the fault of the Board. In many instances, delays have been caused by a few interveners. However, the problem does need to be resolved and the Board is now in the process of making its procedures more efficient. While this bill has a desirable goal, I feel it goes much too far in that it will prevent the public from

having access to an important decision making process in our state government. We must recognize that if a citizen of Maine is going to be able to make his voice heard by the Board, he or she must be able to participate fully. This legislation, I feel, would deprive such citizens and organizations of the opportunity to participate effectively whether they are for or against a particular project. This bill would place the burden on a person desiring to participate to demonstrate that he or she "will be substantially affected" by the outcome of the proceedings. I think this is the wrong philosophy. If a citizen sincerely believes that a proposed project may "for example" impair the quality of the water he or she drinks, that fact alone should merit and permit participation. They should not be required to show that they would definitely be substantially affected even before the hearings have started. This bill would require such a showing.

In effect, I feel the Board of Environmental Protection should take every step possible to insure speedy and fair hearings on all matters, both large and small. However, in doing this, we should not take action that would limit an individual citizen's right to voice his opinion at these hearings.

For this reason, I respectfully ask that the legislature sustain my veto.

Very truly yours,
JAMES B. LONGLEY

JBL:bh

Which was Read and Ordered Placed on File.

An Act to Clarify Standing Before the Board of Environmental Protection. (S. P. 352) (L. D. 1152)

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

State of Maine
Executive Department
Augusta, Maine
04330

June 18, 1975

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

I am today returning to you without my signature or approval L. D. 1146, An Act to Provide The Citizens of the State of Maine with Uniform Quality Pharmaceutical Health Care.

The basic ideas contained in this bill may have merit, but I am of the opinion the timing is poor. The so-called "patient profile record system" contained in the bill may be an ideal one but, from the standpoint of record keeping, would be most difficult for druggists to administer, especially with the passage of the new drug price listing bill.

I feel that the new price listing law, enacted by this Legislature, should be given ample time in which to be implemented before enactment of additional legislation which would create confusion and extra paper-work for druggists. The Pharmaceutical Board itself has said that while this approach has merit, it would be better for it to be implemented at a later date. I respectfully request that my veto be sustained on this measure so we can give druggists an opportunity to first administer the new drug price listing law.

Very truly yours,
JAMES B. LONGLEY
(S. P. 599)

JBL:bh

Which was Read and Ordered Placed on File.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Reconsideration.

STATE OF MAINE

One Hundred and Seventh Legislature
Committee on Veterans and Retirement
June 16, 1975

The Honorable Joseph Sewall
President of the Maine Senate
107th Legislature
State House

Augusta, Maine 04333
Dear President Sewall:

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

Total Number of Bills Presented	46
Unanimous Reports	36
Leave to Withdraw	18
Ought Not to Pass	10
Ought to Pass	3
Ought to Pass as Amended	4
Ought to Pass in New Draft	1
Divided Reports	10
Total Number of Referrals	3

Sincerely,

Signed:

SAMUEL W. COLLINS, JR.
Senate Chairman

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Conley of Cumberland,

ORDERED, the House concurring, that there be paid to the members of the Senate and House on January 2, 1976, as the final payment of compensation for the 1975 annual session as established by statute, the amount of One Thousand Dollars (\$1,000) according to a listing certified to the State Controller by the President of the Senate and Speaker of the House, respectively. (S. P. 588)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot,

ORDERED, the House concurring, that the Legislative Finance Officer, the Director of Legislative Research, and the Law and Legislative Reference Librarian, or their assistants if any are unable to attend, be and hereby are authorized, during the current biennium, to attend the conferences of the National Legislative Conference, and that they be reimbursed for their necessary expenses. (S. P. 589)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Speers of Kennebec,

ORDERED, the House concurring, that the Speaker of the House, the President of the Senate and the Majority and Minority Leaders and Assistant Leaders of the House and Senate, be and hereby are authorized during the current biennium to attend the conferences of the National Conferences of State Legislative Leaders, and that their necessary expenses be paid from the Legislative Appropriation. (S. P. 590)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Speers of Kennebec, ORDERED, the House concurring, that the President of the Senate and not exceeding 6 members of the Senate designated by him, and the Speaker of the House and not exceeding 6 members of the House designated by him and one full-time staff person to be selected by both the President of the Senate and the Speaker of the House, be and hereby are authorized during the current biennium to attend the conference of the National Legislative Conference and National Conference of Commissioners on Uniform State Laws; and be it further

ORDERED, that the necessary expenses of the President of the Senate and the Speaker of the House of Representatives and the members appointed respectively by them be paid from the Legislative Account; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House of Representatives are authorized during the current biennium to attend the National Legislative Conference and meetings of any committee thereof on which they may serve; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House of Representatives be reimbursed for their necessary expenses. (S. P. 591)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Katz of Kennebec,

ORDERED, the House concurring, that the State Budget Officer be and hereby is directed to furnish to the Legislative Finance Officer copies of all departmental budget requests and all information and data relating thereto submitted to him by all State departments, commissions and agencies as soon as same come into his possession. (S. P. 592)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Collins of Knox,

ORDERED, the House concurring, that the State Law Librarian be directed to forward bound copies of the Legislative Record to members of the Senate and House, and to the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House, at their home addresses. (S. P. 593)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Clifford of Androscoggin,

ORDERED, the House concurring, that there be prepared after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required. (S. P. 594)

Which was Read and Passed.
Sent down for concurrence.

Enactors

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

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

On motion by Mr. Conley of Cumberland, tabled and Tomorrow Assigned, pending Enactment.

Communications STATE OF MAINE

One Hundred and Seventh Legislature Committee on State Government June 18, 1975

Honorable Joseph Sewall President of the Senate 107th Maine Legislature Augusta, Maine 04333

Dear President Sewall:

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

Table with 2 columns: Item and Count. Includes Total Number of Bills Presented (193), Unanimous Reports (167), Leave to Withdraw (38), Ought Not to Pass (47), Ought to Pass (29), Ought to Pass in New Draft (9), Ought to Pass as Amended (41), Referred to Other Committees (2), Referred to 108th Legislature (1), Divided Reports (26), Total Number of Amendments (59), Total Number of New Drafts (13).

Respectfully,

Signed:

THEODORES. CURTIS, JR. Senate Chairman

Which was Read and ordered Placed on File.

STATE OF MAINE

One Hundred and Seventh Legislature Committee on Appropriations and Financial Affairs June 16, 1975

The Honorable Joseph Sewall President of the Senate Senate Chamber Augusta, Maine

Dear President Sewall:

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

Table with 2 columns: Item and Count. Includes Total Bills Received (137), Unanimous Reports (135), Divided Reports (2), Ought to Pass (15), Ought to Pass as Amended (30), Ought to Pass in New Draft (4), Ought Not to Pass (48), Leave to Withdraw (37), Refer to Another Committee (1).

The above totals do not include four bills considered pursuant to Joint Orders.

Respectfully,

Signed:

DAVID G. HUBER Senate Chairman

Which was Read and Ordered Placed on File.

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

Bill, "An Act to Correct Errors and Inconsistencies in the Property Tax Laws." (H. P. 110) (L. D. 156)

Tabled — April 1, 1975 by Senator Speers of Kennebec.

Pending — Enactment.

(In the House — Passed to be Enacted.)

On motion by Mr. Speers of Kennebec,

and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

Mr. Cyr of Aroostook then presented Senate Amendment "B" and moved its adoption.

Senate Amendment "B", Filing No. S-339, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

An Act Amending the Powers and Duties of the Maine Committee on Aging to Include the Inspection of Nursing Homes. (H. P. 103) (L. D. 126)

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

Mr. CONLEY: Mr. President, the Chairman of the Appropriations Committee met with leadership prior to requesting that these items be taken from the table. So that everyone could be informed briefly as to what they are, I wonder if the Chairman could just briefly sketch out for the Senate as to what they are doing.

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

Mr. HUBER: Mr. President, on L.D. 126, the funding formerly considered to be required by this bill has been provided by a federal grant.

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

Thereupon, this 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.