

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 21, 1975 to July 2, 1975

**Index**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Thursday, June 19, 1975

Senate called to order by the President.

Prayer by Rev. Gene Gillin, Penney Memorial Church, Augusta:

Our Father, God, it is through your mercy and your keeping power that you give us not only the rest of the night but the gift of this new day in which we can gather again here in this Senate chamber. As you brought us together as good citizens of Maine, bring us to an understanding of your laws and write them upon their hearts. Enable us to walk in the way of your truth, that we will be strengthened to finish the work that you have given us to do in this room, is our prayer today, in the Savior's name. Amen.

Reading of the Journal of yesterday.

Papers from the House  
Non-concurrent Matter

Bill, "An Act to Establish the Citizen Woodcutting Act." (H. P. 1228) (L. D. 1754).  
In the House June 17, 1975; Passed to be Enacted.

In the Senate June 18, 1975, Indefinitely Postponed in non-concurrence.

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

Mr. Berry of Androscoggin then moved that the Senate Insist and Join in a Committee of Conference.

On motion by Mr. Trotzky of Penobscot, a division was had. Nine having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

Mr. O'Leary of Oxford then moved that the Senate Recede and Concur.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. O'LEARY: Mr. President and Members of the Senate: I have a letter here from Dick Barringer, Director of the Bureau of Public Lands, and I would like to read from this letter.

"I have spoken with the officials responsible for the administration of citizen woodcutting programs in other states and level of government. I have gathered the following information which may be helpful in your consideration of L. D. 1754.

"The United States Forest Service in Bethel, Maine operates a low-key program on the White Mountain National Forest. People are allowed to remove one or two cords per year from areas of recent cutting operations. The harvestable volume, about 120 cords annually, is limited to dead and downed trees. Administrative costs, which are mostly clerical in nature, were approximately \$200. There is very little ground supervision. Most of the people who benefit are local residents and seasonal camp users.

"Massachusetts has a cut-a-cord program involving 2,500 cords annually. Foresters designate the wood to be cut and thereby simultaneously accomplish some timber stand improvement. 25 acres, mostly in the eastern part of the state, were cut last year. The Massachusetts people view their program primarily as good public relations although they anticipate increased demand for firewood as the popularity of wood stoves increases. Each family is restricted to three cords, and no commercial operators may participate but field checking and scaling is limited.

"Probably the most intensive program was Connecticut's, where 6,000 cords are

removed each year. Ground supervision, again, is minimum except in the southwest region near New York City. Each area to be utilized is marked by a forester but no scaling is done. The regional forester indicated they were able to accomplish a surprising amount of timber stand improvement.

After discussing this information with our Chief Forester, I have reached the conclusion that the Bureau of Public Lands can implement a citizens' wood cutting program, such as was originally proposed in L. D. 1754, for the coming year without impairing our current programs. We can do this by using CETA people available to us through next spring. Beyond that time, if CETA is discontinued, we would have to have two forest technicians to handle the program." Then a quotation, "We will expect your help with them in Appropriations."

"I recognize this is a distinct change in the position we took in amending L. D. 1754 to cut out its provisions for cutting by individuals. However, we are now persuaded, especially by the Connecticut experience, and our recent acquisition of CETA assistance, that the program Representative Peterson proposes can be carried out effectively and economically." And he has the names of Herb Lee, United States Forest Service in Bethel, and Jack Lambert, Connecticut Forestry Management Director in Massachusetts.

Mr. President, I think, in view of this letter from the Director of the Bureau of Public Lands, this bill should be enacted.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I urge the Senate to vote against the motion to recede and concur on this bill because the bill, L. D. 1754, as engrossed here, authorizes and directs the Bureau of Public Lands to start this program. Right now the Bureau of Public Lands is engaged in getting back the public lots, and there are going to be some substantial trades that are going to occur in the near future. And when I spoke with Mr. Barringer on the phone, he was against the word "directs". He is being put under pressure by certain members of the committee.

At this time I don't think this is a good Act, and it will only cause a great deal of problems for them which they would not want to handle at this time.

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

Mr. O'LEARY: Mr. President, I would direct to the Senate's attention that this letter was dated June 10th.

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

Mr. PRAY: Mr. President and Members of the Senate: It seems that the problems which the Senator from Penobscot raised perhaps could have been solved in a committee of conference, which he voted against.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that the Senate recede and concur with the House. The Chair will order a division. Will all those Senators in favor of receding and concurring with the House please rise in their places until counted.

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

Thereupon, the Senate voted to Adhere.

## Non-concurrent Matter

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

In the Senate June 17, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-322).

Comes from the House, Passed to be Engrossed, in non-concurrence.

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

Mr. MERRILL: Mr. President, I have a small technical amendment that is being printed right now, and I wonder if someone could table this until later in today's session, at which time I could offer that amendment.

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

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

## Non-concurrent Matter

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

In the Senate June 12, 1975, Passed to be Engrossed as Amended by House Amendment "A" (H-722) and Committee Amendment "A" (S-255) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-777), in non-concurrence.

Mrs. Cummings of Penobscot moved that the Senate Recede and Concur.

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending the motion by Mrs. Cummings of Penobscot to Recede and Concur.

## Non-concurrent Matter

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

In the House June 16, 1975, Passed to be Engrossed as Amended by House Amendments "C" (H-765) and "D" (H-767).

In the Senate June 17, 1975, Passed to be Engrossed as Amended by House Amendment "D" (H-767) and Senate Amendment "A" (S-329), in non-concurrence.

Comes from the House, that Body having Adhered.

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

Mr. SPEERS: Mr. President and Members of the Senate: We have a very interesting situation, a parliamentary situation, that has arisen regarding this particular bill. It is, however, not without precedence, because in this very session we have had another bill which ended up in a very similar situation, except exactly in the reverse. I am speaking of the minimum wage bill that was passed earlier in this session, where this body had adhered to a particular action and it had gone down to the other body, that body had insisted and it came back up here, and it was the position of the parliamentarians in this particular body that this body would not have to consider this bill again. However, we did suspend the rules and consider it, as we all recognize.

We have a precisely the same situation in the reverse with regard to this particular bill, and I would certainly hope that the other body would be as diplomatic and as

statesmanlike as I feel this body was under that previous situation and previous conditions and again consider its position with regard to this particular bill. In fact, it was definitely the course of action that the presiding officer of the other body so insistently urged upon the legislature at the previous time, and I am sure that the presiding officer is going to be as consistent in his arguments and his views and will again take another look at this bill. I, therefore, move that the Senate insist upon its former action.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate insist.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I question the Chair as to whether or not that motion is in order?

The PRESIDENT: The Chair would advise the Senator in the affirmative.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, it would be interesting to me at this time to see where earlier in today's calendar I think the motion has been to adhere, to insist, to recede and concur, and it is apparent to me that the other body has moved to adhere. And that body having moved to adhere, it has stated quite definitely that it has taken a formal position which is a very positive action.

We have to relate back to an incident that perhaps was a very sticky one several weeks ago. I believe there was a little bit of difference in the fact that that body had passed the bill to be engrossed as it was sent back to them and it went to the engrossing department, and it came back to the other body, and the other body then moved to reconsider its action and placed on an amendment and sent it back to this body. This is quite different than that situation. And I think it is a little late in the summer, or early in the summer and to be later in the summer, to be playing games, and it all boils down to one stupid amendment that was ruled not germane to another bill dealing with the election laws.

If we want to play games, obviously we can do it, and I am not going to participate in that. Therefore, I am not going to make any motion, but I think the Senate is making a very, very bad mistake here this morning, and particularly with the ruling from the Chair.

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

Mr. SPEERS: Mr. President and Members of the Senate I certainly wish to comment on the ruling of the Chair. It is more than obvious that it is definitely in order when a matter comes before this body that is in non-concurrence, if the Senate would care to look at the rules, a motion to recede, concur, insist and adhere, those four motions are very much in order and it is stated so in the rules. So the ruling of the Chair is certainly correct.

I am very sorry that the minority leader of this body, the good Senator from Cumberland, Senator Conley, refers to action taken by a majority of the members of this body as simply stupid. I am sure that many of us can agree and can disagree on various matters that are taken by a majority of this particular body, but I would hope that this characterization is simply a matter that has arisen through the heat of debate.

The situation that we are faced with at the present time is precisely what has

happened on the previous bill, where the Senate adhered to positive action, it went down to the other branch, that branch insisted, and then they insisted that this branch could again reconsider its action. The good Senator from Cumberland, Senator Conley, in that instance at first agreed very heartily with the presiding officer and other members of this body who contended that the Senate, having adhered to positive action, was not willing to reconsider its action whatever. He did, however, in debate on that issue come to agree with the presiding officer of the other body in that this body should take up that matter again, and I am sure the Senators will recall that we did indeed take up the matter again and did indeed adhere once more to a positive action. We did so under suspension of the rules, because it was our contention that we, under the rules, did not have to consider the matter again. Well, the presiding officer of the other body felt at that point that the Senate should consider that matter again, and I am certain that beint consistent, as he is, he will certainly concur that the House should consider this matter again if the Senate sends it back having insisted. And I certainly hope that we do precisely that.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like to steer away from the debate this morning and discuss the bill a little bit and what we are talking about, as I understand it. I would like to understand it as that, if we should recede and concur, that Bill, "An Act to Clarify the Election Laws", would be passed without the amendment that says a candidate shall be allowed to go into the counting area where they are counting absentee ballots, because I think this would create a lot of confusion and dissension if a candidate is allowed in the counting area within the guardrail. I don't see the need for such an amendment being on the bill, and if I am technically correct in my assumptions that we would have a good bill passed if we did recede and concur with the House, then I would make that motion that we do recede and concur with the House and let's get on with the business.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Cianchette, that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Speers.

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

The PRESIDENT: A division has been requested. All those Senators in favor of receding and concurring with the House will please rise until counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: So there won't be any confusion in the Senate, I believe the hang-up on this particular bill is not the amendment that the good Senator from—

The PRESIDENT: The Chair would advise the Senator that he is out of order since the question has been put. The only motion that is proper now is to ask for a roll call.

Mr. CONLEY: I would ask for a roll call, Mr. President.

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 more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: Again, I would like to direct the Senate's attention to the amendment that we are actually talking about, and I believe it is the amendment that the good Senator from Somerset, Senator Corson, moved indefinite postponement on yesterday. It is also an amendment that was ruled not germane to a bill down in the other body. It was also sent before the court for an opinion, and the court at that time stated that there was no solemn occasion for it to take action. I can understand the majority floor leader, Senator Speers, being a little upset, but I think again, in the interest of expediency and in the interest of trying to get this bill through, that the Senate should recede and concur with the other body.

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

Mr. SPEERS: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Conley, certainly can point out various amendments that he might be talking about and that he might be interested in, but obviously the whole bill is what is before us with all of the amendments on the bill. House Amendment "C" and House Amendment "D", and in the Senate House Amendment "D" and Senate Amendment "A". If the good Senator wishes to express the particular matters that he objects to with regard to the bill, or the particular matters that he is in favor of in respect to the bill, he of course has that right and privilege to do so, but I hope the Senate is clear that it is all of these amendments and the position of the Senate vis-a-vis all of the amendments and the position of the House that we are talking about, not just one particular amendment.

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

Mr. CIANCHETTE: Mr. President, I am sorry, but I admit that I am confused about this bill. Would the Secretary or the Chair inform me as to which amendments have been adopted by both the House and the Senate?

The PRESIDENT: The Secretary will read the amendemnts that have been adopted.

Mr. CIANCHETTE: Just the filing numbers, please, of those amendments that have been adopted by the House and the Senate.

The SECRETARY: This is item 1-4. In the House on June 16 the measure was passed to be engrossed as amended by House Amendment "C" (H-765) and "D" (H-767). In the Senate, on June 17, 1975 it was passed to be engrossed in the Senate as amended by House Amendment "D" (H-767) and Senate Amendment "A" (S-329).

Mr. CIANCHETTE: Did the Senate indefinitely postpone House Amendment "C", Filing No. H-765?

The SECRETARY: Yes. In the Senate Chamber, on motion by Senator Corson of Somerset, on June 17, 1975 House Amendment "C" was indefinitely postponed.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Somerset, Senator Cianchette, 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.

**ROLLCALL**

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

NAYS: Senators Berry, R.; Collins, Corson, Cummings, Curtis, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Trotzky, Wyman.

A roll call was had: 14 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion did not prevail.

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

Mr. CONLEY: Mr. President and Members of the Senate: I am very much disturbed by the motion that has been made by the Senator from Kennebec, Senator Speers, and that being the motion to insist, which I assume he is going to make again. It disturbs me because day after day after day we have non-concurrent matters, and the procedure I don't have to explain to anyone in the Senate, and particularly to the presiding officer, when one body has moved to adhere we only have one option left to us, and we know that very well: it is either to recede and concur, if it is a positive action in the other branch, or the bill dies.

If at this late in the session we are going to start going totally and completely against every rule that we know of, rules that have been adopted by the greatest parliamentarians that we live under, plus our own rules of the Senate and joint rules of both branches, I think we are making a very terrible mistake here. Because of that, Mr. President, I now move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Chair would advise the Senator his motion is out of order.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I am really quite surprised at the good Senator from Cumberland, Senator Conley, and the comments that he has made regarding parliamentary procedure, and I can only say that he has stated very eloquently precisely what the presiding officer and others of this Senate felt definitely was the case and was the procedure to be followed when this body adhered to positive action. It was the position of this body, the presiding officer and others, the majority leader, and originally the minority leader as well, that the other branch had only one option, as the good Senator has so eloquently stated here this morning, it has only one option. It can either go along with that position of the other branch or the bill is dead.

Well, I say that that is the position that he originally took because when the other bill came back to us, the minimum wage bill, the position that the good Senator took on the floor was quite a bit different, citing parliamentary procedure and parliamentary authority, the Congress of

the United States, that a body once having adhered could reconsider its action. Well, the majority of this body still felt that the original position taken was correct but, because of the importance of that bill, we did take a statesmanlike position; I feel, and suspended the rules so that this body could reconsider its action and take that bill up again, and again and send it back down to the other branch so that it could be considered there.

Well, again we have precisely the same situation before us today, only in reverse, and I am very sorry to see the good Senator from Cumberland, Senator Conley again take up his original position in attempting to put this body in a position of having to accept the judgment of the other branch or nothing at all.

Mr. President, there has been comment made here about beginning to play games this late in the session, and I can agree with the good Senator from Cumberland, Senator Conley, with regard to the concern that he has expressed with playing games with parliamentary procedure. Well, I don't think we are playing games here, but I would submit that if games are being played that it began a great deal long ago, much further back in the session than just now, when the games were being played by the other branch in insisting that that other bill come back down to us after we had adhered to positive action. I think it is very clear that once parliamentary procedure is attempted to be used for political purposes that the chickens always come home to roost and that there is always another bill to come along and that, therefore, these parliamentary procedures should not be used for simple political purposes.

But I am confident, Mr. President, that the other branch will be statesmanlike, as we were earlier in the session, and accept this bill back so as not to let it die between the two branches. I certainly hope that it will be that statesmanlike, and I trust it will because, after all, this has been the position of the presiding officer and the leadership of the other branch right along, that a body could accept a bill back and could reconsider its position of adherence. So I would like to give them that opportunity and that chance and, therefore, I do remind the Senate of my pending motion to insist and hope that the Senate does go along with that motion.

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

Mr. CONLEY: Mr. President and Members of the Senate: I am not going to belabor this as I think it is absolutely ridiculous, and I know that the majority floor leader knows it is absolutely ridiculous. If we want to talk about the other matter, let's get down to bare facts. One thing was that this body had moved to adhere. The other body moved to recede and concur. It went to the engrossing department and whereby, when it came back to that body to be enacted, the rules were suspended, suspended by a two-thirds vote, and he knows darn right well that is exactly what took place. He is playing games with the parliamentary laws of this Senate and the House, which I think it is an outright disgrace and I am ashamed to be in this Senate this morning.

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

Thereupon, on motion by Mr. Huber of Cumberland, tabled until later in today's

session, pending the motion by Mr. Speers of Kennebec to Insist.

**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 Peter Van Gagnon of Auburn for His Heroic Lifesaving Act in Saving the Lives of Three Persons by Rescuing Them From A Fire

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. 1733)

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 Legislaure has learned of the Outstanding Achievement and Exceptional Accomplishment of Reverend Frank Thomas Pastor to the West Newfield and Limerick Congregational Churches Upon His Retirement after 23 Years of Dedicated Service in the Ministry

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. 1734)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**

WHEREAS, Maine's climate and natural beauty make the question of conservation of energy a crucial one for this State; and

WHEREAS, it is imperative for Maine's people and Maine's government to save energy wherever possible; and

WHEREAS, the present structuring of electric utility rates provides an incentive for the wasteful use of electricity by charging less for electricity per unit when large quantities are used than when small quantities are used; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Public Utilities, to study methods of restructuring electrical utility rates in order to encourage the conservation of electricity and to discourage the wasteful consumption of electric power; and be it further



ORDERED, that the Council report the results of its findings together with any proposed recommendations and necessary implementing legislation to the 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. 1723)

Comes from the House, Read and Passed.

Which was Read.

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

#### Non-concurrent Matter

On motion by Mr. Pray of Penobscot, the Senate voted to take from the table the following Specially Assigned matter:

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

Tabled — earlier in today's session by Mr. Pray of Penobscot.

Pending — Consideration.

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

The same Senator then presented Senate Amendment "B" and moved its Adoption. Senate Amendment "B", Filing No. S-340, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed. Sent down for concurrence.

#### Committee Reports

##### House

#### Leave to Withdraw

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 be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act Increasing the State Gasoline Tax." (H. P. 1055) (L. D. 1332)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-743).

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

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

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

Mr. SPEERS: Mr. President, I move that the rules be suspended and this bill be given its second reading by title only. For the information of the Senate, I would remark that if that motion carries then it would be my intent to have this tabled for later in today's session pending engrossment.

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

The motion prevailed and the Bill was Read a Second Time.

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

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Make the Offense of Using a Motor Vehicle without Authority a Felony." (H. P. 28) (L. D. 36)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Increase the Penalty for Littering" (H. P. 1726) (L. D. 1940).

Signed:

Sensors:

COLLINS of Knox  
CLIFFORD of Androscoggin  
MERRILL of Cumberland

Representatives:

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

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

Signed:

Representative:

HENDERSON of Bangor

Comes from the House, the Chair ruled New Draft not germane and, subsequently, Minority Report Read and Accepted.

Which reports were Read.

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

Mr. COLLINS: Mr. President, in view of the ruling in the other body, I move acceptance of the Minority Ought Not to Pass Report.

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

The motion prevailed.

#### Senate

#### Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Concerning Appointments to all Regulatory Boards, and Commissions." (S. P. 106) (L. D. 361)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-338).

Signed:

Sensors:

CURTIS of Penobscot  
GRAHAM of Cumberland

Representatives:

CARPENTER of Houlton  
QUINN of Gorham  
FARNHAM of Hampden  
SNOWE of Auburn  
PELOSI of Portland  
WAGNER of Orono  
LEWIN of Augusta  
KANY of Waterville

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

Signed:

Sensor:

WYMAN of Washington

Representative:

STUBBS of Hallowell

Which reports were Read.

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

Committee Amendment "A" was Read and Adopted.

Thereupon, under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed. Sent down for concurrence.

#### Committee of Conference Report STATE OF MAINE

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on An Act Amending Laws Relating to Hospitalization of the Mentally Ill. (S. P. 368) (L. D. 1204)

have had the same under consideration, and ask leave to report:

that the Senate recede from its action whereby it Passed the Bill to be Engrossed; recede from its action whereby it adopted Committee Amendment "A" (S-195); adopt Conference Committee Amendment "A" (S-337) to Committee Amendment "A", submitted herewith; adopt Committee Amendment "A", as amended by Conference Committee Amendment "A", thereto; and Pass the Bill to be Engrossed, as Amended by Committee Amendment "A", as amended by Conference Committee Amendment "A", thereto; that the House recede from its action whereby it Passed the Bill to be Engrossed; recede from its action whereby it adopted Committee Amendment "A", as amended by House Amendment "B" (H-681) thereto; recede from its action whereby it adopted House Amendment "B" to Committee Amendment "A" and indefinitely postpone same; adopt Conference Committee Amendment "A" to Committee Amendment "A"; adopt Committee Amendment "A", as amended; and Pass the Bill to be Engrossed, as amended by Committee Amendment "A", as amended by Conference Committee Amendment "A", thereto, in concurrence.

On the Part of the Senate:

COLLINS of Knox  
BERRY of Androscoggin  
HICHENS of York

On the part of the House:

TIERNEY of Durham  
BURNS of Anson

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

#### Committee of Conference Report STATE OF MAINE

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air." (H. P. 1191) (L. D. 1487)

have had the same under consideration, and ask leave to report:

that the Senate recede from its action whereby it Passed the Bill to be Engrossed; recede from its action whereby it adopted House Amendment "A" (H-405), as amended by Senate Amendment "A" thereto (S-239); recede from its action whereby it adopted Senate Amendment "A" to House Amendment "A"; indefinitely postpone Senate Amendment "A" to House Amendment "A"; indefinitely postpone House Amendment "A"; adopt Conference Committee Amendment "A" (S-334), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A"; that the House recede from its action

whereby it Passed the Bill to be Engrossed; recede from its action whereby it adopted House Amendment "A"; indefinitely postpone House Amendment "A"; adopt Conference Committee Amendment "A"; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A".

On the part of the Senate:

COLLINS of Knox  
O'LEARY of Oxford

On the part of the House:

SMITH of Dover-Foxcroft  
PETERSON of Caribou

Which report was Read and Accepted.

**Enactors**

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

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

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

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

**Indefinitely Postponed**

An Act Relating to the Constituent Service Officer. (H. P. 267) (L. D. 315)  
Comes from the House, Indefinitely Postponed.

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

**Emergency**

An Act to Create a Commission to Review the Statutes Relating to Juveniles, Including the Statutes Relating to the Juvenile Court. (H. P. 1271) (L. D. 1752)

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

**Bond Issue**

An Act to Authorize Bond Issue in the Amount of \$13,600,000 for the Highway and Bridge Improvement Program. (H. P. 1684) (L. D. 1929)

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

Mr. REEVES: Mr. President, might I inquire through the Chair what roads and bridges in what parts of the state this is referring to? Because there was a bond issue that was widely publicized as being for rural roads, and when the time came in my district there was no money for the roads, so I would just like to inquire what this is?

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

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: This bond issue is part of the Governor's construction program. If the Senator from Kennebec would like to know what roads are involved, there was a construction program passed out at the beginning of the session that this bond issue was involved in, and if the Senator doesn't have a copy, I have one right here in my hand and I will pass it to him.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being a Bond Issue and having received the affirmative votes of 26 members of the Senate, with three Senators voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

**Orders of the Day**

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

Resolve, Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers. (S. P. 327) (L. D. 1113)

An Act Providing Funds for Treatment of Cystic Fibrosis. (S. P. 126) (L. D. 412)

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that these bills and all accompanying papers be indefinitely postponed, and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. HUBER: Mr. President and Members of the Senate: L. D. 1113, concerning Cerebral Palsy Centers, is funded in L. D. 1937 in the amount of \$20,000. If the supplemental package passes, this program will be provided for. Similarly, L. D. 412, concerning Cystic Fibrosis, is funded in the amount of \$17,500 in section "H" of L. D. 1937. And the Mental Health Center funding is provided in the amount of \$212,732 in section "O" of L. D. 1937.

The PRESIDENT: Is it now the pleasure of the Senate that these bills and all accompanying papers be indefinitely postponed?

The motion prevailed.  
Sent down for concurrence.

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

An Act Relating to State-wide Correctional Program Improvement. (H. P. 473) (L. D. 593)

An Act Making Supplemental Appropriations for the Maine Human Services Council. (H. P. 626) (L. D. 772)

An Act to Reactivate the Governor's Committee on Children and Youth. (S. P. 138) (L. D. 442)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that these bills and all accompanying papers be indefinitely postponed.

These bills are also provided for in L. D. 1937. The first measure, L. D. 593, concerning the Correctional Improvement Program, is funded at a \$100,000 level in section "I" of L. D. 1937. L. D. 772, concerning the Human Services Council, is funded at \$27,586 in section "G". L. D. 442, concerning the Governor's Committee on Children and Youth, is funded for \$3,000 in section "P"; of L. D. 1937.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that these three bills and all accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.  
Sent down for concurrence.

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

An Act Providing Funds for Seriously Disturbed Children in Maine. (S. P. 280) (L. D. 992)

An Act Appropriating Funds to the Department of Mental Health and Corrections for Fire Prevention and Structural Safety Improvements at the Military and Naval Children's Home at Bath. (H. P. 1357) (L. D. 1659)

An Act Relating to Programs for Retarded Individuals in Boarding and Nursing Homes. (H. P. 1052) (L. D. 1326)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that these bills and all accompanying papers be indefinitely postponed.

L. D. 992, for Seriously Disturbed Children at Bancroft North, is funded in L. D. 1937 in the amount of \$50,000 in section "L". L. D. 1659, concerning the Military Naval Children's Home at Bath, is funded for \$15,000 in section "N". L. D. 1326, concerning Programs for Retarded Individuals in Boarding and Nursing Homes, is funded for \$100,000 in section "J" of L. D. 1937.

The PRESIDENT: Is it now the pleasure of the Senate that these three bills be indefinitely postponed, together with all accompanying papers?

The motion prevailed.

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

An Act Relating to the Advisory Council on the Status of Women. (H. P. 1138) (L. D. 1432)

An Act to Provide Vocational Rehabilitation Services to those Persons who are Deaf or who have Impaired Hearing. (H. P. 165) (L. D. 199)

Resolve, Appropriating Funds for the Pharos House of Portland. (S. P. 477) (L. D. 1610)

The PRESIDENT: The Senator has the floor.

Mr. HUBER: Mr. President, I now move that these bills and all accompanying papers be indefinitely postponed.

The Council on the Status of Women, L. D. 1432, is funded in section "V" of the supplemental package we passed yesterday in the amount of \$2,500. The program to provide vocational rehabilitation services to those persons who are deaf is funded in the amount of \$25,185 in section "E". And L. D. 1610, appropriating funds for the Pharos House in Portland, is funded in the amount of \$15,000 in section "N" of L. D. 1937.

The PRESIDENT: Is it now the pleasure of the Senate that these three bills and all accompanying papers be indefinitely postponed?

The motion prevailed.

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

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

An Act Making Supplemental Appropriations for Child Welfare Services. (H. P. 442) (L. D. 540)

An Act Appropriating Funds for the Osteopathic Student Loan Fund. (H. P. 1037) (L. D. 1323)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that these bills and all accompanying papers be indefinitely postponed.

L. D. 1234, creating the Office of Dental Health, is funded in the amount of \$20,000

in section "A" of the supplemental package, L. D. 510, An Act Making Supplemental Appropriations for Child Welfare Services, is funded for \$1 million dollars in section "F" of L. D. 1937, L. D. 1323, Appropriating Funds for the Osteopathic Student Loan Fund, is funded in the amount of \$45,000 in section "R" of this bill.

The PRESIDENT: Is it now the pleasure of the Senate that these three bills and all accompanying papers be indefinitely postponed?

The motion prevailed.

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

An Act to Clarify the Priority Social Services Program to Assure Effective Utilization of State and Federal Resources for Human Services. (H. P. 1187) (L. D. 1768)

An Act Providing Funds for Payment to Residential Schools as an Alternative to Incarceration of Juvenile Offenders. (H. P. 655) (L. D. 809)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I now move that these bills and all accompanying papers be indefinitely postponed.

L. D. 1768, concerning the Priority Social Services for Low Income Elderly, is funded in the amount of \$1,160,321 in section "C" of L. D. 1937. And L. D. 809, Providing Payment to Residential Schools as an Alternative to Incarceration of Juvenile Offenders, is funded at \$40,000 in section "K" of L. D. 1937.

The PRESIDENT: Is it now the pleasure of the Senate that these three bills and accompanying papers be indefinitely postponed?

The motion prevailed.

The President laid before the Senate the first 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 18, 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.)

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

Mr. SPEERS: Mr. President, this act also has been funded in the additional appropriations act and I, therefore, move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that L. D. 101 and all accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

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

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

Tabled — June 18, 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 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)

Tabled — June 18, 1975 by Senator Corson of Somerset.

Pending — Enactment.

(In the House — Passed to be Enacted.)

Mr. HICHENS of York moved that the Bill and accompanying papers be Indefinitely Postponed.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: This is a bill which we have debated three times. It was a bill that originally came in without any food requirement. It allows these recreation facilities to get a liquor license. The objection was made, and I think it was a legitimate objection, that there was no food requirement attached, that it was somewhat of a deviation from our current liquor laws. Now that the bill has been amended, there is a food requirement, and further, because it is somewhat of a departure, it runs only to the beginning of the 108th Legislature, and the Bureau of Alcoholic Beverages is going to have to report to that legislature as to how the bill works, how the law works.

Currently, golf clubs have on a limited basis the right to serve liquor without any food requirement. This would allow these facilities, such as tennis courts and ice skating facilities, to have a liquor license, and I think what it will do is help to keep them as public facilities and prevent some of them perhaps from becoming private clubs and shutting off the recreational opportunities that they have provided to Maine citizens.

It has been thoroughly debated. I think it is in a posture now that is acceptable to most of the members of the Senate, and I would hope you would vote against the motion to indefinitely postpone and that this bill could finally be enacted. Thank you, Mr. President.

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

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

A division was had. Nine having voted in the affirmative, and 22 having voted in the negative, the motion did not prevail.

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

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

Mr. CLIFFORD: Mr. President, I move reconsideration and hope you vote against my motion.

The PRESIDENT: The Senator from

Androscoggin, Senator Clifford, now moves that the Senate reconsider its action whereby L. D. 1906 was passed to be enacted. Will all those in favor of reconsideration please say "Yes"; those opposed "No".

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

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

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

Tabled — June 18, 1975 by Senator Speers of Kennebec.

Pending — Adoption of House Amendment "A" (H-727).

(In the Senate — Passed to be Engrossed as amended by House Amendments "A" (H-727) and "B" (H-735), in concurrence.)

(In the House — Indefinitely Postponed.)

(In the Senate — Passage to be Engrossed was Reconsidered; Adoption of House Amendment "A" was Reconsidered.)

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

Mr. SPEERS: Mr. President, I beg the Senate's indulgence. When I tried to offer an amendment last night, I found that it was inconsistent with some prior amendments that already had been adopted, and what I would hope we could do in order to accomplish what we attempted to do last night would be to indefinitely postpone the amendments that are currently on the bill, and then I will offer Senate Amendment S-341, which will become the entire bill, and hopefully will take care of the objections to this bill that have existed, and then we can have this go along and be passed to be engrossed. Therefore, I move the indefinite postponement of House Amendment "A", Mr. President.

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

The motion prevailed.

On motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its former action, whereby House Amendment "B" was Adopted and, on subsequent motion by the same Senator, House Amendment "B" was Indefinitely Postponed.

The same Senator then presented Senate Amendment "B" and moved its Adoption. Senate Amendment "B", Filing No. S-341, was Read.

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

Mr. MERRILL: Mr. President, I would like to inquire through the Chair to the majority leader, the good Senator from Kennebec, Senator Speers, how this bill is just amended would change the present law in regards to the licensing of real estate brokers in the State of Maine?

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 can't honestly



answer the question directly that was placed. I can say, however, that the change in the bill is that the requirement for an examination every six months of existing brokers is no longer in the bill. But as to the change in the existing law, I am unable at this point to give an explanation as to that.

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

Mr. MERRILL: Mr. President and Members of the Senate: I am certainly far from an expert in this area, but I have received communications in regard to this bill from several people. And speaking without any great expertise, it seems to me that one of the effects of this bill would be to change what the requirements already are for becoming a real estate broker, which is the completion of certain courses and then an examination, and would add on the requirement of taking nine credit hours in business related courses at an accredited university, and would pick up into this requirement everybody except for people who are brokers for the three years preceding 1978. Those people not only have to be licensed brokers but they have to have been actively engaged or employed, so if somebody were a broker who had taken all these courses in the past and had passed that course, but he hadn't been engaging actively in real estate brokering for the three years preceding 1978, he would lose his license.

Frankly, I think this state has gone a little crazy in the licensing requirement area. I had some brokers call me about this bill and I had to tell them that it just runs counter to my feelings about where we should be going. If we keep going the way we are now, I swear to God a person is going to have to be licensed to wake up in the morning.

I don't see any need for this legislation. I can't see a good showing that there is any casual relationship between heaping on this new requirement and in improving the quality of real estate brokering in this state. The only casual relationship I can see is the casual relationship between the passage of this bill and getting some people out of the business and making it harder for more people to get into the business.

I think it is going to make it especially hard for those people in rural areas that may want to become a real estate broker, may be well known in their area, may be respected and trusted, and may in fact be much more trustworthy than some of the people who have taken all of these courses, and then we heap on this new requirement. I think these things are seen by our people, the people outside of this special interest group, as simply an attempt to keep people out of the business, as simply a response to a special concern of people who are concerned about competition. And I know that this amendment and this bill have been offered in good faith by a lot of people whom I respect, but I am going to move indefinite postponement of this bill and all accompanying papers, and ask when the vote is taken that it be taken by the "Yeas" and "Nays".

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

Mr. TROTZKY: Mr. President and Members of the Senate: I am a real estate broker. And let me say that right now it is very easy to become a real estate broker; all you do is take two courses, take an examination, and you are a broker. Then you go out and you have possibilities of

selling hundreds of thousand of dollars of property. You are trusted and you have the confidence of the buyer and of the seller, you deal with attorneys, and you are very involved.

I think this is a good bill because essentially it says yes, you have to take more of an education, but if you can't get that education you have another alternative, and that is to become an apprentice to a broker, to become a salesman. Even before I became a broker, I said to some of the brokers that something is wrong with this law, that a man should have to first work for a broker before he becomes a broker to get experience. You don't get experience in the business world just by taking two courses and an examination. In fact, you use very little in many cases of what you learn, but you need the practical experience and this bill does provide for that, it provides for an apprenticeship. To become a plumber you go through an apprenticeship, to become an attorney you go through three years of education, which I guess must be equivalent to at least nine credits. So I think this is a good bill and doesn't abuse the licensing procedure.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: Having heard this particular bill in Business Legislation, I would just like to make a few remarks. I also share with Senator Merrill the concern that he has with regard to the licensing requirements that we tend to legislate for the various businesses around the State of Maine.

I think basically what this amendment does is remove the requirement of having to go back to school for the present real estate brokers around the state. The original intent of the bill, as I understood it in the deliberations at the public hearing and at the work session on the bill was that there are some terribly complicated rules in Maine — the Land Use Regulation Commission being one that was singled out by a number of people who came in and testified both for and against the bill — and it was the opinion of some of the people that were concerned with the document at that time that those individuals engaged in real estate who had not been subjected to what are fairly rigid requirements today, I think, should have to go back and get a refresher course of sorts so that they might be better versed in these particular regulations that have grown up around us over the past few years. I opposed that in the beginning, but as we got into further discussions of the bill I went along.

Now, this amendment removes that capability, if you will, from this document, so I would concur with the Senator from Cumberland, Senator Merrill, that the document now should perhaps be indefinitely postponed. And I think the sponsor of the bill actually feels that way.

I do want to say that I think this kind of legislation says something, not about the real estate brokers, but it says something that I don't like about the people in this state, in that it seems to say that they don't have the ability to make the determinations in the buying and selling of products. Now, I don't care if they are houses and lots or potatoes, or what they are, I think the people in this state do have the capability to make that determination, they do have the strength of character and mentality to make those determinations. And I don't think we have to continually

pass these licensing laws to make it safe for our citizenry to conduct their every day business. I would concur with the Senator and join him in his motion to indefinitely postpone this bill, now that this amendment has been added.

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

Mr. SPEERS: Mr. President and Members of the Senate: I think if we follow that line of argument and line of reasoning to its logical conclusion, then we might as well remove all licensing requirements and all various qualifications from any profession. We could have the attorneys come into the state and just start practicing law without having to meet certain requirements and qualifications, physicians, surgeons, plumbers, electricians.

It is very easy to complain about the requirements for licensing and the requirements and qualifications for various professions. It is very easy to rale against big government and to say that government is usurping freedom of movement, etc., of various citizens who wish to engage in a particular profession. But I think that we are all responsible here and I think that we realize that the reason we have qualifications and licensing requirements for all of these various professions is simply to protect the people, to protect the consumer, from the individual who will come along and who will hold himself out to have certain knowledge and certain educational background and certain abilities, which in fact he may not have.

I have had an opportunity to go down through this amendment, and the purpose of the amendment and the accomplishment of the amendment, and how it changes the basic law at the present time, is simply to provide for various qualifications for real estate brokers, that they will have to have these various qualifications and have had this experience in order to hold themselves out to be a real estate broker.

Frankly, I am not involved in that field, and I would not dare to say what the ideal number of years or number of months, or credits, or whatever may be for an education to hold oneself out as a real estate broker. I imagine that is, as in all professions, a matter of degree, a matter of judgment. But I certainly would hope that the Senators would not feel that we should have individuals holding themselves out in various professions who have not met certain minimum qualifications just on the theory that government is becoming too meddlesome or doing something that it should not legitimately be doing, because that simply is not the case. These laws are written to protect the consumer, to protect the individuals.

I would make just one further point, that Senator Johnston from Aroostook has touched upon, and that is that there really are very complicated matters that this legislature and previous legislatures have written into law regarding various environmental aspects, land use regulations, site selection, site selection of development, the subdivision laws, etc., etc., that do affect very directly the purchase of property for whatever purpose an individual may be purchasing the property. These aren't very simple laws either. It takes a little bit of understanding and a little bit of study to understand exactly what they do accomplish and the

purpose and impact upon various parcels of land throughout the state. So it is something that real estate brokers should be aware of. I am sure that they are aware of them at the present time, but I think that we should provide for the assurance to the public that additional brokers or those who wish to participate in this field in the future should at least have the minimum qualifications and the minimum standards that we feel they should have in order to hold themselves out to be real estate brokers; and that's simply the purpose of this amendment and simply the purpose of this bill.

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

Mr. MERRILL: Mr. President and Members of the Senate: As I understand the present law, if you want to become a real estate broker you have to take some courses that are provided for by our commission, and then you have to take an examination. And recently, as I understand it, incorporated into that examination process and included with the past type of examination has been an examination which is a national standardized examination.

If, in fact, the people who are presently getting their licenses under this procedure aren't learning and aren't being tested for the knowledge that they should have, I suggest that the first thing we ought to try is to make that test reflective of what we want those people to know. I think that it already is, from my limited understanding of it, but if it isn't, before we heap on the requirement of courses, why don't we go with making the test, test what we want to test, and see if that works, instead of making these courses. It could be very well that a person hadn't been a real estate broker before but was very expert in these matters, extremely expert, and would know all this information without taking these courses.

Now, this bill adds on to the courses' requirement that he has to go to some college. That is going to be a difficult requirement for some people to meet that aren't as fortunate as my constituents that live right nearby a college.

I would like to say one thing. I don't think that it is responsible just to rale away at every licensing requirement. Obviously we have to have some. But I think that when this legislature has put before it a new or more rigorous license requirement, the burden ought to be on the proponents to show why and to prove why something more stringent is needed. Before we add one more layer of regulation, one more layer of requirements on any of our citizens, I think the burden ought to be placed squarely on those who want it to show why it is necessary. Now, I don't think that burden has been met with this piece of legislation, and until that burden is met, I think it is irresponsible for this legislature to heap another burden upon some Maine citizens who are trying to do something in this regard.

Now, a person called me up in favor of this general bill and pointed out that there were some people — and this person was a real estate broker — in the business that were dishonest, and said that was why we needed this legislation. I wish that by sending somebody to college for nine credit hours we could assure honesty. I have spent a lot of time in colleges and I think it is at least safe to say that there is no relationship between the time spent there and honesty, and if there is one, I am afraid it might be reversed.

In any case, I don't think the burden has been carried with this piece of legislation. There is certainly no emergency to go rushing into this area. I think the most responsible thing to do is to indefinitely postpone this bill and all accompanying papers.

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

Mr. REEVES: Just one thing, Mr. President. I think the Senator from Cumberland, Senator Merrill, has made some excellent points about this, as has the Senator from Arrostook. If it is in order, I would like to move that this bill be recommitted to the Business Legislation Committee for further study.

The PRESIDENT: The Chair would advise the Senator that his motion is in order and does take priority over the motion to indefinitely postpone.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, a division was had. Three having voted in the affirmative, and 26 having voted in the negative, the motion did not prevail.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I think the good Senator from Cumberland didn't really describe the whole bill here. A person, if he lives in a rural area and is not near a college, doesn't have to go to college. This bill says "in lieu thereof", in lieu of those educational requirements, "a person may qualify as an applicant for examination as a licensed broker by being actively engaged or employed as a real estate salesman in Maine for at least three years immediately prior to the application." In other words, the person is apprenticing himself to a responsible broker and therefore learns.

This bill will upgrade the real estate profession, because as it is right now, the requirements are very simple to get into the real estate profession and the truth of the matter is that there are too many brokers coming into the field. Many of them are completely inactive and some of them just make one sale a year, and so on. But I feel very strongly that this will upgrade the real estate profession in the same way that educational requirements upgrade the law profession, the medical profession, and other professions. I also believe very strongly that a person should serve an apprenticeship before ending up controlling the sale, again, of hundreds of thousands of dollars worth of real estate.

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

Mr. MERRILL: Mr. President, I will be brief but I want it to be clear — and let me give an example: Let's say we are talking about a rural town quite a ways from a college, say Searsmont, and the person who lives in that town has been a farmer most of his life and has bought and sold some property on his own, and as had occasion to engage in a lot of real estate transactions and is pretty knowledgeable about the real estate law, and he decides that in his retirement he would like to put this knowledge to use, he would like to put the trust and faith that people in the community have developed in him, over the years of knowing him and associating with him, to advantage and to be a real estate broker. This guy doesn't want to

spend three years working as a real estate salesman. It is going to be difficult for him to go and get nine credit hours at some college. But he can take the courses and, if the test is proper, and I think that it is, prove that he has this knowledge. Under the present law, this man could become a real estate broker and, I think, provide a valuable service to his friends and associates. If we put this law into effect he would have a choice: he could travel up to Bangor to get these nine credit hours and then do these other twelve credit hours, wherever he had to do that, or he could become a real estate salesman for three years. I don't think either of those choices are necessary or advantageous, and I think that this bill isn't desirable.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that 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 more than 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 to indefinitely postpone this bill and all its accompanying papers. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Marcotte, McNally, Merrill, O'Leary, Reeves.

NAYS: Senators Berry, R.; Cummings, Curtis, Cyr, Gahagan, Katz, Pray, Roberts, Speers, Thomas, Wyman.

ABSENT: Senators Danton, Trotzky.

A roll call was had. 19 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with two Senators being absent, the Bill was Indefinitely Postponed in concurrence.

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

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

Tabled — June 18, 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 sixth tabled and Specially Assigned matter:

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

Tabled — June 18, 1975 by Senator Conley of Cumberland.

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 seventh tabled and Specially Assigned matter:

Bill, "An Act Relating to Commercial Fishing and the Increase of Certain

License Fees Issued by the Department of Marine Resources." (H. P. 1118) (L. D. 1415)

Tabled — June 18, 1975 by Senator Conley of Cumberland.

Pending — Enactment.

(In the House — Passed to be Enacted.)

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

Mr. BERRY: Mr. President and Members of the Senate: This bill overhauls all the license fees charged by the Department of Marine Resources, including the wholesale, retail, and fishing licenses. Of particular interest is the increase in the lobster license from \$10 to \$20. The license fee has stayed at \$10 for many years. The fee, in a large part, is paid numerically by people in the so-called sport lobstering business who fish a few traps, so to that extent these people, without any question, probably pay very close to 65 to 70 percent of the fees collected by the department for lobster fishing. So the fee itself is tantamount to dedicated revenue, and this bill provides that the increase will go into the general fund, and the bill appropriates from the general fund, a like amount of money which will be used, to a large extent, to provide additional wardens.

Now, in all the testimony — and much of it was very conflicting — we have had from the lobstermen through the course of these hearings and previous sessions, the lobstermen have been, in a vast majority, in favor of the two things this bill does, increasing the fees and providing for more warden service. In addition, the bill provides for a marine specialist in shellfish work, which is lobster and clams primarily, an extension agent to help the fishermen out, one, and the provisions of six wardens and an assistant attorney general.

Now, I am the first person to fight against bureaucracy burgeoning, but this is neither an increase in tax nor an increase in bureaucracy because there are direct tangible benefits accruing not only to the fishermen in the state but also to the people of the state resulting from this. We have had a great deal of trouble in the enforcement of the marine resource laws, the wardens get tied up in court, and it is extremely difficult and really is impossible to adequately administer the affairs of the department.

I feel that the people involved who are paying these increased fees are in favor of it. At the hearing there was practically no opposition to the bill. So I would hope we would pass this bill to be enacted.

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

Mr. CONLEY: Mr. President and Members of the Senate: I thank the good Chairman of the Maine Resources Committee, Senator Berry, for his explanation of the bill. However, I think we ought to call our attention to exactly what the increases are in this particular item.

The scallop license, for example, has been increased from \$10 to \$25, or equivalent to a 150 percent increase. Secondly, the resident sea moss license, not much, from \$2 to \$10, but a 500 percent increase. We get down into the fee for the licensing for claims, which was \$3 originally, and has now gone to \$10, another 333 percent increase. We get down into the license fees for wholesale seafood dealers, a 40 percent increase, from \$35 to \$50.

Mr. President and Members of the Senate, really it isn't a great deal of money we are talking about. Again, when you go into the retail seafood dealer's license, for example, from \$2 to \$10, a 500 percent increase, and into the interstate transportation of shellfish, from \$35 to \$50, another 40 percent increase. We get down to removing lobster from the shell, which is from \$10 to \$25, a 150 percent increase. There are so many increases in this bill that when you really total it up it looks like they are tripling their operating budget. Probably when you boil it down it goes from a 40 percent to a 500 percent increase in almost every one of these items in the bill.

Now, the chief executive campaigned on a promissory note to the public of this state that we wouldn't have a tax increase, or a major tax increase. I consider this not a major tax increase but a very substantial tax increase in dedicated revenues. Now, if there are any bureaus or bureaucracies that we can't control, it is the bureaus which are under dedicated revenues. Once you give them the monies to work with, they just continue to grow and grow and grow.

For those reasons, Mr. President and Members of the Senate, I am going to move the indefinite postponement of this bill, and I would ask for a division.

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

Mr. WYMAN: Mr. President and Members of the Senate: I must agree with the good Senator from Cumberland, Senator Conley. I think a small increase might have been in order, but these are very strong increases.

Now, we have lifted the restrictions on lobster fishing licenses so the so-called sternman, if he goes on a boat, will have to get a license, and that will require two licenses for the two men on the boat, which will be \$40. I just think we are going too fast with this thing and it is too steep an increase. I certainly hope the motion to indefinitely postpone will prevail.

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

Mr. BERRY: Mr. President, the increases were set on a uniform basis, which has not been done in the past. There have been all sorts of license fees ranging from 2, 5, 10, 15, any odd numbered amounts were put on the books. So for the first time there is a uniformity here in the license figures. That explains the reason why some went up more than others. Also, some went up more than others because there is more money involved to the licenseholder.

Now, in general, let me just refresh your mind, and you can do it yourselves, as to what has happened to the price of lobster since the license fee was set at \$10 many, many years ago. Probably at the time that lobster fee was set at \$10, I dare say, lobsters might have been selling for 50 or 60 cents a pound. And right now they have, of course, within the past 12-month period been over \$3. A large part of this increase, of course, has stayed with the fishermen. So an increase of \$10 to the fisherman who gains his livelihood using his license, a \$10 increase is a really small amount. The increase to the wholesalers and the retailers has not been opposed by them, and again the increase in the fees is commensurate with the volume of business done by the licenseholders.

The revenue is really not dedicated and the legislature has total control over what

is going to happen with the Department of Marine Resources.

The Senate has heard me through this session bemoan the fact that we are making precious little progress in handling our lobster problems. This is one item that we can handle and feel sure that we are taking at least one step in the lobster fishery business to help it out.

Finally, I think we all know what has happened to the price of clams, and the commercial digger can well afford the rather modest increase in the clam license. So I would hope you would vote against Senator Conley's motion and pass this to be enacted.

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

Mr. REEVES: Mr. President, as a member of the Committee on Marine Resources, I also signed the Ought to Pass Report and approve of this bill. I understand that these fees were long overdue for an increase, that they are still away below other states, that the funds from these fees are spent for the people who pay them and, therefore, they were not opposed at the public hearing by public testimony and I don't think they are opposed by rank and file fishermen.

I appreciate the remarks of the minority floor leader, Senator Conley, but I think in this particular case the increases in fees are justified and I hope the Senate will defeat this motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that L. D. 1417 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I would request a roll call on this.

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

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

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I signed the Ought to Pass Report and I am going to vote for this, but I would like to go on record as being opposed to the fact that a license should reflect the rewards that come. I think the cost of a license should reflect the necessary costs of the department that is carrying out the rules and regulations that are necessary to make an industry or an activity conform to the law, and that it shouldn't reflect necessarily the income.

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

Mr. CONLEY: Mr. President, I commend the good Senator from Penobscot for her views. My only question is that when you look at a budget which is almost similar to a Part II budget, in a sense, with a 40 percent to a 500 percent markup in these fees, I ask you as to what kind of a bureaucracy you are letting run away from the hands of the legislature.

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



Conley, that L. D. 1415 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.; Carbonneau, Conley, Corson, Graham, Jackson, Johnston, Marcotte, O'Leary, Pray, Wyman.

**NAYS:** Senators Berry, R.; Cianchette, Clifford, Collins, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Greeley, Hichens, Huber, Katz, McNally, Merrill, Reeves, Roberts, Speers, Thomas, Trotzky.

A roll call was had, 11 Senators having voted in the affirmative, and 21 Senators having voted in the negative, the motion did not prevail.

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

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

#### Non-concurrent Matter

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

In the Senate June 12, 1975, Passed to be Engrossed as amended by House Amendment "A" (H-722) and Committee Amendment "A" (S-255), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "B" (H-777), in non-concurrence.

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

Pending — Motion by Mrs. Cummings of Penobscot to Recede and Concur.

Mr. Katz of Kennebec then moved the pending question.

Thereupon, the Senate voted to Recede and Concur.

#### Reconsidered Matter

The following Bill was held on June 18, 1975, at the request of Mr. Speers of Kennebec, pending Consideration:

Bill, "An Act Designating the Bureau of Taxation as the State Revenue Bureau and to Correct Errors and Inconsistencies in the Property Tax Laws." (H. P. 110) (L. D. 156)

(In the House — Passed to be Enacted.)

(In the Senate — Passage to be Engrossed was Reconsidered; subsequently, Passed to be Engrossed as amended by Senate Amendments "A" (S-36) and "B" (S-339), in non-concurrence.)

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

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President, by way of explanation, the two Senate Amendments are in conflict with one another, and it would be my purpose to indefinitely postpone Senate Amendment "A". I would, therefore, move that the Senate suspend the rules to reconsider its action whereby it adopted Senate Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate suspend the rules and reconsider its action whereby it adopted

Senate Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

On further motion by the same Senator, Senate Amendment "A" was Indefinitely Postponed.

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

Sent down for concurrence.

#### Reconsidered Matter

The following Bill was held on June 18, 1975, at the request of Mr. Johnston of Aroostook, pending Consideration:

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)

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

Mr. Johnston of Aroostook then moved that the Senate reconsider its former action whereby the Bill was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Mr. JOHNSTON: Mr. President and Members of the Senate: Last evening I sent the Senior Senator from Aroostook a note regarding a matter on which he and I oftentimes agree and oftentimes disagree, but it did not regard L.D. 967. I do not consider that the friendship of myself and the Senior Senator from Aroostook is more important than the potato industry in Maine; but it is a friendship which I for one cherish and should not want it to go lacking because of a misunderstanding. If the spirit in which I sent that note to the Senator was misconstrued in some quarters, and if it is my fault that it was misconstrued, because it was sent as a good-natured chiding regarding another matter, I apologize to the Senator for that misunderstanding.

With respect to L. D. 967, I had this bill held because there is an amendment which I have been asked to offer to this bill by one processor in Aroostook County, and it is the processor, I continue to say, of which we are the most proud and which we would be sorry to see leave Aroostook. I am not going to offer the amendment because it asks that the growers in Aroostook County be included in the licensing and bonding law, L. D. 967, which is before us again now.

The reason I am not going to offer the amendment is because when a potato farmer goes to a processor to sell his goods, his wares, he sells potatoes that he is going to produce in the future. And if those potatoes happen to be worth \$4 a barrel, and he produces 20,000 barrels, that is \$80,000, and the maximum in the law here is \$50,000. If it is \$50,000, there are a great many farmers; and I might even number myself among them from time to time, who could not produce such a bond, so such a sale would not be possible.

We don't survive in the potato industry any more without the processed product. In 1973, 53 percent of the potatoes consumed in this country were consumed from a process state, remanufactured. If we don't process potatoes in Maine, our table stock industry and our seed industry will not

survive. We are locked in a struggle today, this state is locked in a struggle, for the American market with all the rest of the states that produce potatoes, notably Idaho and Washington. If we lose that struggle with respect to processed goods, we can kiss the potato industry goodbye in this state.

I have some serious questions which I raised yesterday, and I won't belabor them again, regarding this particular bill and the license and bond which it will require of the manufacturers. I think if we continue to pass these laws until the state controls the potato industry, the marketing, the producing, and the processing of it, I guess then to get into the business all you will have to do is win an election. But along a little further down the road we will do away with the elections also because they too are of a competitive nature.

I would like to remind the Senate, inasmuch as this has been referred to yesterday in debate as purely an Aroostook matter, and it was referred to some in the evening and again this morning as an Aroostook matter between Senator Cyr, the good Senator from Aroostook, and myself, that it is not. I would like to ask you how many people in this state, how many persons, are engaged in one way or another in growing, harvesting, or producing a product sold to another? And what about those who grow and sell timber, harvest fish and shellfish, blueberries, corn, vegetables, even those who extract minerals from the soil, and all of the others? Each of these people, each of these persons, firms if you will, sells his product to a manufacturer or processor, and those manufacturers and processors are watching what we do here today.

Now, in Aroostook County four of the five processing plants are for sale. Buyers, prospective buyers, have come and gone. They were aware and distressed at the fact that this legislation was even pending. I am not saying it is the reason that they came and that they went empty-handed, but they have come and gone. It is an important question.

I feel very strongly that Item 18 on page 9 of today's calendar, the study which we have proposed, can help. I believe it can help because it will secure an input in this matter, in the solution of these problems. We will get an input from the marketing community, from the producing community, from the processing community, and from the general business community at large in Aroostook County, all of which will suffer if this piece of legislation happens to be fallacious and happens not to work. So I hope the Senate would reconsider this matter, and I would ask when the question is posed that the vote be taken by the "Yeas" and "Nays".

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

Mr. CYR: Mr. President and Members of the Senate: I share the concern of the good Senator from Aroostook, Senator Johnston, in regards to the processor. We are not trying to hurt any processor whatsoever. We need them. We need them, and we need them badly to dispose of our crop. However, they should not forget also that they need the farmer. And I agree with the views of the good Senator that we doesn't like to see them—I think the word that he used was "disappear" from the scene, or something of that nature. I don't want to see 250 farmers disappear from the scene either. And if the large processor that we have in trouble right now should



declare voluntary bankruptcy under Title 11, as sure as I am standing here before you today, you are going to have 250 or 300 farmers that are going to go down the drain the same way and the potato industry will be entirely disrupted in the county.

The good Senator from Androscoggin mentioned yesterday that this is an Aroostook County problem, which it is, and I would like to remind my colleagues that 15 members of the county delegation are in favor of this and only two are opposed to it. I would also like to remind you that this is not merely a county matter. All of these processing plants except two have loans under the MGA, guaranteed by the Guarantee Authority of the State of Maine. If they should go down the drain because of poor management, poor financing management, you can rest assured that we are going to have to resolve that problem on the floor of these chambers. So you are interested in seeing, every one of us in the State of Maine, that they are financially capable.

The good Senator mentions or at least alludes to the fact that if we pass this legislation we may threaten these processors. I have here a copy of a report before me of 20 states, 20 states, and most of them are in competition, that have in existence licensing and bonding that applies to both the dealerships and to the processors. Only three of them, or two states besides Canada, including Arizona and Maine, have a bonding and licensing law that applies to the processing industry, only Maine and Arizona and Canada. All the other states have such legislation as we are discussing here before us today. Only North Dakota out of this group of states doesn't have anything. It doesn't have a licensing and bonding law applying to the dealership and applying to the processing industry. And strangely enough, in North Dakota the same outfit which is delinquent to the tune of 4½ million dollars with our Maine farmers was delinquent in North Dakota to the tune of 2½ million dollars, and the state has had to come into the picture and guarantee to the banks a loan to take care of the farmers. And that is the only state besides Maine that doesn't have this bonding and licensing law applying to dealerships.

The problem of this processing plant that I am mentioning, the major one, which is delinquent to the farmers, their problem started about four years ago when they built this plant in North Dakota. They drained the assets from their Maine plant to build that plant. Subsequently, they ran into trouble because it cost more than they had planned on, and they had to keep on draining this plant to be able to keep the other one alive. Now, was that fair? Was that fair to our Maine farmers?

Now, all that this law would do — and I will conclude with this — all that this would do is require that when a processor or a dealer applies for a license, he has to satisfy the Commissioner of Agriculture that he is an applicant of good character, integrity and reputation, and is financially responsible. What is going on right now is that they are draining their processing plant to feed the eight subsidiaries that they have built to handle all kinds of other products, to handle their farms. They have a cattle farm. They have over 20,000 acres, as I mentioned to you yesterday, of good prime farm land. They grow between 5,000 and 6,000 acres of potatoes in competition with the farmers. And I could

enumerate shopping centers, parking lots, hotels, motels, farm equipment and machinery. In fact, incidentally, with this farm equipment company that they have, they have sold this spring farm equipment to the farmers and charged them 12 percent on the loan that they made, farmers to which they owed money for potatoes that they brought to their processing plant, on which they are delinquent, and there is no interest whatsoever to be paid on that.

So this is mild medicine which is badly needed. It won't help the situation today, but we hope it will give the Commissioner of Agriculture the authority to monitor the financial capacity, and in case they get into trouble, they can call them in and say, look, you better shape up or else we are going to withdraw your license within a year or so. This is all that this legislation will do.

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

Mr. JOHNSTON: Mr. President and Members of the Senate: The title of this act is "An Act Making Potato Processors Subject to Certain Provisions", etc. It does not single out one potato processor. The good Senator from Aroostook is talking about one potato processor, the one that is past due and has been for almost a year now. We agree on that, it is wrong. If they had been fraudulent in the conduct of their business, it would be finally settled in a court of law, and I hope it is. This bill is written for all potato processors.

Now, the State of Idaho is No. 1 in this country. We used to be No. 1. The State of Washington is No. 2. We used to be No. 2. Neither of those states has a law like this that you are going to write here today, if you pass this bill. Neither one of them, and we have researched both states. There is a body of law in Washington which does not single out potato processors; it is for all manufactured food products and it is a great body of law. And what I am asking for, and what the industry is asking for, and what the community is asking for, is a chance to come back here in January after getting an input from all of those people. The only input to this piece of legislation here came from a half dozen members of the Maine Potato Council. All we are asking for is a few short months to study this problem and come back here with a body of law, similar to what we have in Washington and Idaho, that will allow us to fairly treat this situation and to fairly compete with those other states.

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

Mr. CYR: Mr. President and Members of the Senate: I disagree with my colleague from Aroostook. Idaho is definitely on the list for a licensing fee for dealerships and also for processing, and so is Washington State.

Now, the good Senator is talking about the lien law which has been removed from this. It was the intention to tack the lien law onto this bill. And the good Senator from Aroostook, Senator Johnston, deserves a lot of credit for his opposition, his early opposition to the lien law, particularly the way it was being presented, and I compliment him on that. He certainly did a good job in presenting his point of view, and we are honoring that point of view. We are in favor of studying the lien law during the interim from now until the special session. However, the lien law is not on this bill. This bill is only to

amend a law that we have on the books today, the bonding and licensing law for the dealers which we passed in 1971, which has cleaned up that situation. It has cleaned up our dealerships. Before that we used to have some fly-by-nights that used to come up to Aroostook and open up a little office somewhere on the corner, buy potatoes from the farmers, and then before you knew it they were gone. They were gone and they left the farmer holding the bag. This lien law that we are talking about has cleaned up that situation, but the processors were not under that law.

So now all we are doing is amending that law to include the processors. And this list right here tells you that there are 20 states, including Canada, that have that bonding law on their books. And only two of these, Arizona and Maine, don't have it for their processors. All the others have it for their processors.

Now, I respect the good Senator's view, Senator Johnston, on the lien, and I also agree with him that it shouldn't be tacked onto this. It should have a separate public hearing because on that lien law you have a divided industry, you have a divided delegation. But on the bonding law you do not have that division. You have got the Potato Council as the one that is presenting this, and they represent the farmers in Aroostook County. You have the Potato Commission, and you have the banking institutions. You have businessmen, because these businessmen are interested in seeing that the farmers get their money so that they can get their money too. The only ones that are in opposition to it are two from the delegation and a few farmers, particularly those that are owed two or three hundred thousand dollars by the big processor that we are talking about and are afraid that they may rock the boat. That is all there is.

Now, as far as trying to point the finger at one processor, we are not. We have three processors that are in trouble, three processors out of five that are in trouble and need this law. The only reason I mentioned the other one is because they are delinquent to the farmers to the tune of 4½ million dollars. One of the others is \$200,000, and I don't have the figures on the other one, but they are financially weak.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I ask for a call of a quorum.

The PRESIDENT: The Senator from Kennebec, Senator Speers, asks for a call of a quorum.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President, could I ask what the motion is on the floor?

The PRESIDENT: The question was the question as to the availability of a quorum in the chamber. At the present time it is quite obvious that there is a quorum present.

The pending question before the Senate is the motion by the Senator from Aroostook, Senator Johnston, that the Senate reconsider its action whereby this bill was passed to be engrossed.

The Chair recognizes that Senator.

Mr. JOHNSTON: Mr. President and Members of the Senate: Senator Cyr said

that the Maine Potato Commission is in favor of this bill. The Maine Potato Commission, which is made up of processors, growers and marketers, opposes this legislation. The Maine Potato Council, which is an organization of which I am a member, is in favor of the legislation. There is some question in my mind, there was some question at the taxation hearing, and there was some question at the agricultural hearing on this bill as to how the members of the Maine Potato Council are polled on these matters.

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

Mr. CYR: Mr. President, again I disagree with my good friend and colleague from Aroostook, Senator Johnston. The Commission is in favor of the bonding law. I hope that the Senate will vote "No" on the reconsideration move.

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 ordering 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 Aroostook, Senator Johnston, that the Senate reconsider its action whereby this bill was passed to be engrossed. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.F., Jr.; Carbonneau, Cianchette, Clifford, Conley, Corson, Greeley, Jackson, Johnston, Marcotte, Merrill, O'Leary, Pray, Roberts and Wyman.

NAYS: Senators Berry, R.N.; Collins, Cummings, Curtis, Cyr, Gahagan, Graffam, Graham, Hichens, Huber, Katz, McNally, Reeves, Speers, Thomas and Trozky.

ABSENT: Senator Danton.

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 motion did not prevail.

#### Papers from the House

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

##### Enactor

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

An Act to Provide Minimum Standards for the Protection of the Rights of Residents of Public Institutions. (H. P. 1219) (L. D. 1807)

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

#### Committee Reports House

##### Divided Report

The Majority of 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 Amendemnt "B" (H-796).

Signed:

Senators:

WYMAN of Washington  
MERRILL of Cumberland

Representatives:

DRIGOTAS of Auburn  
SUSI of Pittsfield  
COX of Brewer  
MULKERN of Portland-  
IMMONEN of West Paris  
FINEMORE of Bridgewater  
MORTON of Farmington

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

Signed:

Senator:

JACKSON of Cumberland

Representatives:

DAM of Skowhegan  
MAXWELL of Jay  
TWITCHELL of Norway

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

Which reports were Read.

Mr. Carbonneau of Androscoggin then moved that the Senate accept the Mionority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. CARBONNEAU: Mr. President, I would first like to clarify one point here that seems unclear in the minds of many legislators; and it is this: the licensees do not get an additional 10 percent discount at the Kittery store. They buy for the same price that everybody else does.

Now, let me address myself to the amendment you have before you, House Amendment 796, I believe. The title of this amendment is quite contrary to what the amendment calls for. The amendment calls for punishing, you might say — you might call it that — the licensees. I would like to call to your attention that the licensees of this state pay about \$80,000 a year in license fees, and now we are telling them that they cannot buy liquor at the Kittery store for the same price as you and I can buy it. You know, this is just like saying, "Look, buddy, you are a truck firm, you have got two trucks, and there are two gas stations down there. One sells the gas for 50 cents a gallon and the other one sells it for 53. You have to buy where they sell it at 53 cents." I don't think that is right. There is a principle involved here, and I think we should pursue that.

Earlier in the session we had before our Liquor Control Committee L. D. 492, that would have equalized liquor prices throughout the state and would have meant that licensees as well as our citizens would have been paying equal prices throughout the state. The bill failed to become a law. This meant, of course, that licensees could still obtain a 10 percent discount on their wholesale purchases at all state stores except Kittery, and at Kittery they could still purchase at retail, as could everyone else.

We then had before our committee a bill that would have created three or four more stores in the state the same as the Kittery store, or at Kittery prices, both wholesale and retail. This also failed of passage. So at this point in time the legislature has said let's leave well enough alone. Now, with this bill we are trying to change that.

I must admit that this is an eleventh hour effort to raise some money. While I recognize that the sale of liquor is a

privilege and not a right, I have serious doubts as to the constitutionality of this amendment. You are saying to the citizens of Maine that you have the option of purchasing your liquor in Kittery at lesser prices than you can in your local community. I consider this both a right and a privilege. This is by action of the legislature. By the same token, this amendment, if passed, would say to the business segment of our state we are denying you the right and privilege. I also suggest that this is discrimination of the highest nature. I hope you will go along with me and lay this matter to rest once and for all at this session, at least.

Now, one more thing I would like to call your attention to is that these licensees are more than just citizens of the State of Maine, I believe. They are tax collectors and they are taxpayers. Let's talk about them as taxpayers. They pay their tax on inventory, they pay their tax on their personal property, and they pay their tax on real estate property. They collect sales tax for the state, for the federal government they collect the withholding tax. Now, let's be consistent. Yesterday we voted on a bill to increase the workmen's compensation, or whatever it was, and sooner or later this is going to be paid by the employers of this state, we all realize that. Now, we are going to tax them some more by denying them a right that everybody else has. I don't believe that is right. It is not fair. We are supposed to be fair here. I hope you will go along with me. Thank you.

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

Mr. SPEERS: Mr. President and Members of the Senate: If the good Senator from Androscoggin, Senator Carbonneau, really wants to have licensees treated exactly the same as everyone else in the State of Maine, then perhaps we should be coming in with a bill here that would remove any discount price for licensees whatever. That obviously is not what we are doing, however.

I think the title of this bill, besides raising \$800,000 a year for the State of Maine, could really more accurately be entitled, Bill, An Act to Clarify the Original Purpose of Establishing the Kittery Liquor Store. The whole purpose of establishing that store in the first place was to present a competitive situation with the State of New Hampshire in an effort to stem the purchase of liquor on an individual basis, at a retail basis, in the State of New Hampshire and to have this liquor brought into the State of Maine. We were losing a considerable amount of revenue because of that. The idea was to give the individual purchaser, the one who would go down there and purchase at retail, or the individual tourist coming into the state in the summertime an opportunity to purchase liquor in the State of Maine for the same amount of money that he would pay if he were to purchase it in New Hampshire.

This store was never intended to be what it has become, and that is a wholesale outlet for licensees within the State of Maine. And what has happened is this: licensees right now can purchase liquor at any of the stores in the State of Maine at a 10 percent discount which, if we follow the arguments of the good Senator from Androscoggin, Senator Carbonneau, is discriminatory. It is discriminatory against you and me as individual

purchasers. But, nevertheless, that is the situation, a licensee may purchase at wholesale at a 10 percent discount. The price at the liquor store in Kittery is 25 percent lower than at other stores in the State of Maine. So obviously what is happening, instead of accepting a 10 percent discount at other stores across the state, the licensees who are wholesalers will purchase at the Kittery store at a 25 percent discount. And we certainly can't blame them for that. It is obviously good business practice to pick up an extra 15 percent discount. However, that really was not the purpose of the store in Kittery, of establishing that store in the first place.

Now, I am not suggesting this certainly, but many states charge a higher price for wholesale purchase of liquor or purchase of liquor for resale, a higher price than what an individual can purchase a bottle of liquor at. And it seems to me that in these times that are very difficult times for the State of Maine, where we have attempted to find additional monies to fund some of the very needed and very important programs that we would like to see funded, that we have attempted to find some additional money in most every area that we can, and it seems to me that this is a very logical and legitimate area to fund some additional money, because it really was not the purpose of that Kittery store in the first place to be another wholesale outlet. And if there is ever a time to correct and establish the original purpose more clearly, I would submit that this is the time, and I would oppose the motion of the good Senator from Androscoggin, Senator Carbonneau, to accept the Minority Ought Not to Pass Report. And Mr. President, I would ask for a roll call.

The PRESIDENT: A roll call had been requested.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: The majority leader spoke about revenues. It seems at this 11th hour once again the hotel-motel and restaurant industry is hit for whatever revenues he may want to raise perhaps for some of his pet LD's that are on the Appropriations Table. And he is right, that store was opened up so we could compete with New Hampshire. I was here during the 105th when the majority leader wasn't here, and at that time the original bill called for four such stores, including our warehouse here in Hallowell. It was decided that many areas didn't want to have discount liquor stores in their districts, so we ended up with the Kittery store.

There was nothing written in the bill at that time that liquor licensees could not go there to buy their liquor, and if they do go there, I would like to remind the majority leader, maybe they are going there because they can get a little bit of a break on a product that will help them make their mortgage payments and property tax payments and perhaps meet the payroll, if someone can go there and save a few bucks on any purchase. And there is absolutely nothing wrong with that. I call that being a good businessman.

Another point I would like to touch on this morning is this: What we are doing with this bill here is that we are taking a man who is an honest businessman and we are forcing him to become a cheat and fraud by not going to that store himself as a licensee but by sending one of his friends to go there and buy liquor, and then he takes it into his place of business and

maybe at night he becomes a bottle filler. Is this what we want to do with our businesses here in the State of Maine? If we need money in Maine, let's bite the bullet. And I am willing anytime the rest of leadership wants to bite the bullet. Let's put in for an increase in the State income tax, not this mickey mouse type of funding.

We should do what we can to be fair to every industry, especially the hotel-motel and restaurant industry, an industry that does nothing but good. It raises millions of dollars of revenue in sales tax, income taxes, and like the good Senator from Androscoggin said, property taxes, personal property taxes, and provides employment for many of our people here in the State of Maine. This is a bad bill, it is an unfair bill, it isn't even an enforceable bill, and I am ashamed to have a bill like this before us at this 11th hour to raise \$800,000. And to try to enforce this bill, we will probably spend \$1,800,000. This bill deserves to be defeated, and I hope you do so.

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

Mr. HUBER: Mr. President and Members of the Senate: I rise to support the remarks of the Senator from Kennebec, Senator Speers. It was not the original intent of the legislature to provide a substantial discount to licensees. The original intent was to prevent retail buyers from going across the border to New Hampshire and to try to get these sales back in the State of Maine. This move resulted in a substantial windfall for licensees, and we are now facing a special interest determined to preserve its windfall.

In terms of the funds raised, we have approximately five to six hundred thousand dollars available as estimated surplus after the passage of the current services budget and the human services package passed yesterday. There are various state obligations, including, for example, the incorporation of the Town of Rockwood, which will cost the state about \$140,000. There are other things, such as the study of educational finance, reimbursement of the interest of the teachers retirement that we also mentioned yesterday, and other state obligations which will reduce this amount considerably. I think it will be not responsible to use every last penny of the estimated surplus, leaving nothing for emergencies which may occur under our admittedly austere budget.

I think also on the Appropriations Table there are worthwhile LD's which deserve our full consideration, and without the funding provided by this measure, I don't see how we conceivably can fund these. I hope the Senate will resist this special interest and return to the original intent of the pricing at the Kittery store, in the meantime denying the licensees this windfall that they have been enjoying. I hope we will defeat the measure before us and accept the Majority Ought to Pass Report.

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

Mr. CARBONNEAU: Mr. President and Members of the Senate: I rise one more time to call your attention to how are you going to enforce this bill. If you do enforce it, you are going to have to hire people to do the job. Now, this thing is going to produce \$800,000 perhaps, but perhaps not, because, as the good Senator Danton from

York said a little while ago, you are going to make these people frauds, cheats. How can you stop the wife of one of these restaurant owners or licensees from going down to Kittery to buy liquor as she pleases? There is no way you can stop her. And then put it in the back of the car and then after 12 o'clock at night bring it into the place of business and funnel it into the bottle with the tax stamps. You see, in the Kittery store, the bottles that are sold there don't have a Maine tax stamp. All other stores do. As a result, the restaurant owner or the licensee has to have bottles on the shelf that have the Maine tax stamp.

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

Mr. HICHENS: Mr. President; this is a rare and unusual experience for me this morning when I have to — I don't have to get up, but when I willingly get up and support the good Senator from York. I think this is a very discriminatory measure. I voted against having the Kittery store in the first place as a cut-rate store, but now that it has been set up that way I think we are discriminating against the motel and hotel owners and the other buyers down in that area. Last week we had the same thing put in to discriminate against them as far as the room tax was concerned. I don't know why these seem to be the targets this year of being put under pressures and having added taxes and having added costs put to them. But I will have to vote along with him this morning, and it is a pleasure to do so.

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

Mr. SPEERS: Mr. President, I am very sorry that the question of the whole tourist industry and motel and hotel owners has been dragged into this particular debate. I am especially sorry that mention was made of another idea which did fly around these halls and among some members of leadership about the possibility of a room tax and tying that in with this particular bill, and saying that the motel-hotel industry has been made a target in this session. I would submit that that bill providing for a room tax has not even seen the light of day. It has not seen the light of day because the leadership of this legislature did not wish to make this an additional problem for the motel and hotel industry. So to say that they have become a target I think is an entire error.

Now, the question of enforcement on this particular bill has been raised. If you read the amendment, it says that no one may purchase liquor at the discount in the Kittery store for the purpose of resale. And I would submit that all that has to be done is to put a special stamp on the liquor that is being sold by the Kittery store, a special color or whatever, and it would be very easy to enforce because if those stamps happen to show up in a bar then obviously they were purchased there for resale. At any rate, this is an enforcement problem and I am sure that the Liquor Commission is going to be able to take care of that particular problem.

Now, we are talking about discrimination. I think there is another way to look at this situation of wholesale purchases being allowed in Kittery, and that is that, of course, the store is in the extreme southern portion of the State of Maine. Now, if we really wanted to eliminate discrimination, we should increase the discount of all other stores from 10 percent to 25 percent. If that is what we are talking about, and if that is



what we want to be concerned about, the discrimination, then why haven't we seen that suggestion by the opponents of this legislation? It is discriminatory to have that store in the extreme southern portion of the state, discriminatory against the small businessman, the small motel or hotel owner, who can't afford to make a trip down to Kittery with a large truck every three or four weeks or however often he would have to make the trip in order to bring the purchase back.

All we are trying to do is to establish more clearly the original intent of that store, that it be available for retail purchase, and that the discount of 10 percent still be available to purchasers of the motel and hotel industry. And incidentally, if they really do feel put upon, there have been ideas flying around here to take away the discount altogether. That idea hasn't gone very far either. So again, they are not being made the target. But all we are trying to do is to say that the discount of 10 percent shall apply to all motel-hotel owners, all individuals who wish to purchase at wholesale, and that the original purpose of the store be more directly clarified.

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

Mr. DANTON: Mr. President and Members of the Senate: The majority leader is trying real hard to sell a real bad bill. Immediately now he talks about how we are going to enforce this. We are talking about \$800,000, not \$800,000,000. So now we are going to take and hire people to put stamps on the bottles, hire more people and have them go around to all the liquor licensees in the state — and they number quite a few — to see what bottles they have on their shelves.

There is no possible way that the majority leader or anyone else in this Senate can really justify this bill. We aren't talking that much money. We are talking just enough money to take care of a few pet LD's that are on that Appropriations Table. I know I don't have any LD's on that table. I made up my mind when I came here in January that it was going to be tough sledding, and for those who wanted LD's with money on them, they might as well face reality, there is just no money to be given out. And for us to raise money in a fashion like this here, to tax an industry, and I am talking about the hotel-motel and restaurant industry that is really hurting — let's not forget the gas crunch that we had last winter; many of my friends in the business haven't bailed out yet — and if they are going to the Kittery store, believe me, they are going through necessity. They have to make a saving somewhere; they are hit every which way. Utilities are up, heat is up, taxes are up.

Let's face it, we are all businessmen in this Senate and we know what it is like, and I don't think it is fair at this point in time, that we should have a mickey mouse bill like this here to raise a few bucks. We should kill this bill and do away with it.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think that one of the issues here is the original intent of the 105th Legislature, and it seems to me that it is difficult in the 107th Legislature to try to determine the intent of the 105th Legislature. The best way to do that is to read the original legislation, and if it didn't prohibit the purchase of wholesale liquor by the licensees then it seems to me it is

pretty difficult to get up here and say that the intent of the 105th Legislature was only for retail. If that were the intent, then it seems to me that would have been written in the bill.

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

Mr. WYMAN: Mr. President and Members of the Senate: We are talking about 1.6 million for the biennium, not \$800,000, which is a little bit more money.

Now, I don't have any LD's on the table, any pet LD's, so I can concur with the good Senator from York, Senator Danton. So that isn't my problem. As it is now, it is unfair because a licensee from Aroostook County, for instance, perhaps can't afford to go down there and buy liquor, but the people nearby can and the large people can. Now, if this bill is passed, it will treat everybody the same. They will buy it from their local stores and they will all pay the same price, and the Kittery store will be made a store only for retail purchases.

Now, yesterday we had Commissioner Ingraham in before our committee, and before we came out with a nine-to-four Ought to Pass, the committee members queried him and asked him all the questions that they could think of. He said he could see no problem in enforcing it. And now we hear this problem raised of how are you going to enforce it. He is closer to enforcement than we are, and he says that he can see no problem, that the large licensees who buy the most of the liquor aren't going to risk their licenses by buying it in New Hampshire or by buying it and putting it in different bottles or doing something else.

Now, a bottle of liquor maybe will sell for \$5, and they will get maybe 20 drinks or 25 drinks out of it, so you are talking about approximately 5 cents difference on a bar drink. And they haven't hesitated to go up on the prices of their bar drinks — most of them are at \$1.50 now — and I don't think this approximately 5 cents is unfair and I don't think it is going to drive any of them out of business. They are certainly making plenty of money on that, and if they are good, honest people, which most of them are, I don't think they are going to do as Senator Carboneau described, pour it from one bottle to another.

In New Hampshire, as I understand it, all the liquor has to be bought by the licensees from one store in Concord. They have to go there and get it. Now, we are putting everybody on an equal basis, whether they live in Aroostook County or York County, and the one thing the licensees can't do is to buy it from this Kittery store. I don't think it was ever intended to go this way, although I can agree with Senator Clifford that it perhaps is a little bit difficult to know what the 105th Legislature thought about it, but I am sure they never intended this kind of an unfair situation, and I certainly hope you will oppose the motion of Senator Carboneau.

And remember, after having Commissioner Ingraham in for perhaps an hour yesterday, and the committee members asking all the questions they could, we finally came out nine to four Ought-to-Pass, and he could see no problem with enforcing it.

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

Mr. MARCOTTE: Mr. President, I would like to pose a question through the Chair. I was kind of wondering where the licensees in Eliot, York, Kittery and that

area are going to be purchasing their liquors?

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

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, I understand there is a liquor store in York that is about maybe five or six miles from the Kittery store, and that they can buy it there with the 10 percent discount now. If I am wrong on that, I will stand corrected.

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

Mr. O'LEARY: Mr. President, I would like to pose a question through the Chair as to whether this tax is going to be used to fund L. D. 1740, the \$619,000 for the railroads? I would like to know this before I vote on the question.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I am one of those people who has a bill on the Appropriations Table that needs funding. In my opinion, it is an extremely meritorious bill. It means a lot to the people in my district and a lot to me to see that bill passed, if that makes me something other than an honorable man to support a piece of legislation that sets priorities and figures out where the money is going to come from to take care of problems that we have and that have arisen in our districts. Because of the philosophy of the legislature, promoted by the vote in the state for a governor who said we want no new taxes, we are locked into a situation, I believe, politically that we are not going to raise new taxes this year. For that reason, I think it is incumbent upon us to find ways to fund those meritorious bills that we come down here to support and work for in the interest of our people.

I think this is a fair way. I don't think it is as unfair as has been represented; you know, what is good for the goose is good for the gander. I would much rather see things remain as they are, but this is a source of income that could be saved and could be used for something that I think has a higher priority, and that is why I am going to support this bill.

I have heard a lot about this bill being unfair. I don't quite understand that. Simply because we are talking about people who are now authorized by the law to receive a 10 percent discount, I don't know how we can say that is fair and at the same time say it is unfair that they be treated differently when they are already being treated much differently all over the state. And I don't like the insinuation because I am going to identify myself with supporting this legislation that somehow I am bad or inconsistent or immoral, and I resent that a little bit.

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

Mr. DANTON: Mr. President and Members of the Senate: No one here said that anyone is immoral or anything else. As far as the bill being unfair, that is exactly what it is. And if the good Senator from Kennebec doesn't like it, well, that is what I feel about this bill, it is just an unfair bill. When the Maine Senate will sit here today — and I hope they don't — and try to tell people that they can't go to one of



their state stores to buy liquor or whatever else they may be selling there, that to me is an unfair bill. And where the good Senator is trying to justify his vote on this bill, he doesn't have to make any excuses to me or to anyone else in here, he can vote any way he wants. I am sure on many issues I vote the way I want. But this is an unfair bill. You are telling people that you can't go to a store and have the same rights as everybody else in this state, and that to me is unfair and discriminating.

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

Mr. CONLEY: Mr. President, a question might have arisen in the minds of some of the Senators as to why I sit in my seat, and I think it has probably been quite evident to the Senate. It is obvious that the good Senator from York has strong opposition to this bill, but he speaks very strongly in the sense of this being an unfair bill to raise revenues for the state. Well, I have been in this chamber a number of years and the one down at the other end of the hall for four, and on many occasions I felt there were many taxes that were passed that were discriminatory. I think when we raised the sales tax to five cents, one of the most regressive taxes that we have on the books, it was indeed discriminatory. The fact of the matter is that everybody has come to agree with that, and although it has never been repealed, it certainly has not been considered as being a tax that we as the legislature would care to increase.

Now, I think the bill itself has been debated on the merits or demerits, but the one question that has to be resolved is whether or not you want to fund any of the LD's that are on the Appropriations Table. This bill comes before us this morning having already been received in the other body, and it is up to this body here to either recede and concur, accept the majority report, or kill it. Now, if you kill it, it is very obvious the next step will be that every L. D. that is on that Appropriations Table, regardless or irrespective of whose name is on it, is not going to be funded.

Now, perhaps you may want to take a moment of time, and you might want to at least accept that majority report this morning and then review what that Appropriations Table is. Never mind whose name is on them, but see what that program is or what that bill is, and if it is going to take care of some of our people in this state.

I spoke against a bill this morning on dedicated revenues, not because of the increase in the fees — it is not that — it is because of the way that I felt it allows the department that is being funded under dedicated revenues to just grow and grow and grow without any type of control by the legislature on it, quite contrary to this type of legislation.

In all honesty, and I think the good Senator from Androscoggin, Senator Clifford, would agree, it certainly was not the intent of the legislature to allow liquor licensees to be able to get a 30 percent discount by purchasing at a wholesale or a retail level down at the Kittery store. For anybody else that purchases it around the state it is at 7 percent. Now, when we talk of discrimination, I ask you would that be discriminatory to you if you lived in another part of the state and were not able to purchase your liquor down at the Kittery store? I think it is fair in the sense that it is making it equal for the purpose of all licensees to purchase at the same price.

I will ask you to support the Majority Ought to Pass Report of the Committee.

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

Mrs. CUMMINGS: Mr. President, I think if we are speaking about fairness, that perhaps it is the fairest thing of all to have every person who is going to sell liquor be able to buy it at the same price. Otherwise, if you have got someone in the northern part of the state, it will cost him from \$80 to \$100 to drive down to Kittery in order to get the better price. This way, his wholesale price will be exactly the same as anyone in the rest of the state. To me, this is much more fair for all of those who are selling liquor in any form.

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

Mr. HUBER: Mr. President and Members of the Senate: It has been claimed that it would be unfair and discriminatory if licensees could not buy liquor for resale at the same price at Kittery as everyone else. I would like to ask the Senator from York, Senator Danton, if it is not equally unfair and discriminatory that right now an individual cannot buy it at the 10 percent discount granted to licensees at stores throughout the state?

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I am opposed to the bill. I think it is very discriminatory. I think if a bill were brought out in keeping with the title of the bill, then we would be able to debate this matter on its merits. The title of the bill is "An Act to Establish a 10 Percent Surcharge on Liquor Sold at State Liquor Stores". If we were to change that to 2 percent, there would be no discrimination, we would have the same amount of money raised that the bill seems to provide, and that is a fair way to approach the problem. It seems to me that is what should be done.

Senator Speers mentioned that the Kittery store was never intended to be used as a wholesale outlet. I disagree with that. In the 105th an attempt was made to permit the wholesalers to buy their liquor at their local store at a reduced rate, and in a spirit of compromise it was worked out that if the Kittery liquor store was started that they would go down to Kittery to get their liquor, and this is the way it has been. I think this is extremely unfair. I had hoped and I know many in the industry had hoped that a bill would be introduced at this session which would have permitted hotel and restaurant operators to be able to get the discount by just going to their nearest store without having to get together and drive all the way from Madawaska to Kittery to buy their liquor.

Now, I just want to point out something I am sure we all realize, and that is that the hotel and restaurant business in Maine is not the great big moneymaker that some people may seem to think it is. I am sure all of us know of many closed doors and many people out of employment, a type of employment that people who are out of employment frequently can work at, and are denied jobs now because these places are going bankrupt or closing. We are not underwriting them at all, but I think that we have denied them fair play, and I don't

think now under this we should discriminate against them.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, if we were debating the merits of this bill as have been brought out today, I would certainly go along with equalizing the prices for everyone, but that is not the purpose that this was brought out. If it hadn't been for the income we have derived from it, the sponsors wouldn't have ever put the bill in, and I don't like the underhanded way in which they are getting around to this problem.

It amuses me when I hear that the Commissioner of Liquor Control says there won't be any enforcement problems. There won't be any enforcement problems because they won't try to enforce them. He has thrown more roadblocks into our enforcement division than anyone I know of. We only have twelve to fourteen liquor enforcement officers throughout the state. We have thrown roadblocks at them this year by turning down legislation which would give them stronger enforcement authority, and yet we think that when we add something like this on they are going to be able to go out and spread themselves that thin. Well, just don't kid yourselves.

I have no knowledge of what the rates are at the York store compared to the Kittery store because I haven't been in either one of them, and I don't intend to go in either one of them. And as far as the Town of Eliot getting any benefits, we won't because we don't have any motels or hotels in that area to take advantage of this liquor license. But I think that if we are going to face this need of getting money for our LD's and so forth, we should be forthright and honest with our people and put on a tax if we have to put on that tax.

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

Mr. DANTON: Mr. President and Members of the Senate: Of course, I see the committee report, like the good Senator from Washington, Senator Wyman, has mentioned a number of times, nine-to-four. I would like to ask a question through the Chair to the good Senator from Washington, Senator Wyman. Has this bill or any part of this amendment had any public hearing?

The PRESIDENT: The Senator from York, Senator Danton, now poses a question through the Chair to the Senator from Washington, Senator Wyman, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. WYMAN: Mr. President, the bill had a hearing and I think it included table wines and, I don't remember, but several other alcoholic measures, and we cut it down to this particular item.

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

Mr. DANTON: Mr. President and Members of the Senate: I have to assume by the answer of the good Senator from Washington, Senator Wyman, that the bill did not have a public hearing. I can assure the good Senator that in the event it did have a public hearing the report might have been nine-to-four, but it would have been nine-to-four Ought Not to Pass.

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

Mr. WYMAN: Mr. President, this part of the bill was heard along with other parts of

it, and the committee deleted all of it except this particular part.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Androscoggin, Senator Carbonneau, that the Senate accept the Minority Ought Not to Pass Report of the Committee. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise in their places until counted.

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

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

Mr. WYMAN: Mr. President and Members of the Senate: I hope you will go along with Senator Conley's thinking and at least accept the committee report, because there will be plenty of time to kill this bill later or discuss it further, if this is the desire of the Senate.

The PRESIDENT: The Senator from York, Senator Danton, having spoken four times now, requests unanimous consent to speak a fifth time. The Chair hearing no objections, the Senator may proceed.

Mr. DANTON: Thank you, Mr. President and Members of the Senate: If it is meant to kill the bill later, we might as well kill it now and save ourselves a lot of time.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Carbonneau, that the Senate accept the Minority Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Minority Ought Not to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Clifford, Danton, Graffam, Graham, Hichens, Jackson, Marcotte, Pray, Reeves, Roberts.

NAYS: Senators Chanchette, Collins, Conley, Corson, Cummings, Curtis, Cyr, Gahagan, Greeley, Huber, Johnston, Katz, McNally, Merrill, O'Leary, Speers, Thomas, Trotzky, Wyman.

A roll call was had, 13 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion did not prevail.

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

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

It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would request a division on suspension of the rules.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, moves that the Senate reconsider its action whereby the rules were suspended. Is this the pleasure of the Senate?

The Chair will order a division. Will all those Senators in favor of the Senate reconsidering its action whereby the rules were suspended rise in their places until counted.

A division was had, 13 having voted in

the affirmative, and 18 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was Read a Second Time and Passed to be Engrossed in concurrence.

#### 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), the President appointed the following Conferees on the part of the Senate:

Senators:

CORSON of Somerset  
COLLINS of Knox  
CARBONNEAU of Androscoggin

#### Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to the Dredging, Filling or otherwise Altering of Coastal Wetlands," (H. P. 590) (L. D. 730), the President appointed the following Conferees on the part of the Senate:

Senators:

TROTZKY of Penobscot  
HUBER of Cumberland  
BERRY of Androscoggin

#### 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), the President appointed the following Conferees on the part of the Senate:

Senators:

SPEERS of Kennebec  
CLIFFORD of Androscoggin  
JACKSON of Cumberland

#### Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Political Fundraising by State Employees," (H. P. 1382) (L. D. 1686), the President appointed the following Conferees on the part of the Senate:

Senators:

CORSON of Somerset  
COLLINS of Knox  
CARBONNEAU of Androscoggin

#### Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Allow Municipal Approval of Routine Great Ponds Permits," (H. P. 662) (L. D. 836), the President appointed the following Conferees on the part of the Senate:

Senators:

TROTZKY of Penobscot  
COLLINS of Knox  
GRAHAM of Cumberland

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

On motion by Mrs. Cummings of Penobscot,

Recessed until 4:30 this afternoon.

#### After Recess

Called to order by the President.

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

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

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

Pending — Motion of Senator Speers of Kennebec to Insist.

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

(In the Senate — Passed to be Engrossed as Amended by House Amendment "D" and Senate Amendment "A" (S-329), in non-concurrence.)

(Comes from the House, that body having Adhered.)

Thereupon, the Senate voted to Insist.

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

Bill, "An Act Increasing the State Gasoline Tax," (H. P. 1055) (L. D. 1332)

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

Pending — Passage to be Engrossed.

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

(In the Senate — Committee Amendment "A" (H-743) Adopted, in non-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 Relating to the Constituent Service Officer," (H. P. 267) (L. D. 315)

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

Pending — Enactment.

(In the House — Indefinitely Postponed.)

On motion by Mr. Curtis of Penobscot, the Bill and accompanying papers were Indefinitely Postponed in concurrence.

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

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

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

Pending — Reconsideration.

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

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: This bill was presented after adoption in both party platforms a year ago, being recommended by the Governor's Council, and endorsed by the Governor himself earlier in the session. The proposal has worked out well on the majority of gubernatorial appointments, and seems now to be in retaliation against the Council because of two rejected appointees. The people in Maine have had an opportunity to have a voice in the appointments of departmental commissioners and responded well.

The arguments that "whereas the Council is being abolished makes it unfeasible to pass this bill" are unwarranted. Whoever takes over the

Council's duties would conduct hearings, as this bill requires.

This bill was unanimously passed in the Senate and I, therefore, ask you to join me in voting to override the veto this afternoon.

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

Mr. CURTIS: Mr. President and Members of the Senate: This is one more item which came from the Committee on State Government and which the Governor has determined is worthy of a veto. After considerable discussion of this matter, the State Government Committee decided that we certainly can't hold up making advances in the enactment of laws so our statutes would be more up to date just because, as in so many sessions in the past, there is a prospect that the Executive Council of Maine State Government might be abolished.

So I would suggest that this is an appropriate mechanism for assuring that there will be public hearings in the future whenever there are major nominations subject to confirmation.

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

The Secretary will call the roll.

#### ROLLCALL

YEAS: Senators Berry, E.; Berry, R.; Carboneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trozky, Wyman.

A roll call was had. 32 Senators having voted in the affirmative, with no Senator voting in the negative, and 32 being more than two-thirds of the membership present, it was the vote of the Senate that the Bill becomes a law notwithstanding the objections of the Governor.

Sent down for concurrence.

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

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

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

Pending — Reconsideration.

The PRESIDENT: The pending question before the Senate is: Shall this Bill become a law notwithstanding the objections of the Governor?

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

Mr. O'LEARY: Mr. President and Members of the Senate: I hardly know where to begin. My thoughts and statements that I will make to you here today may seem to be rambling, but I want you to understand that I am getting old, getting tired and weary.

When we enacted this bill Tuesday evening by a two-to-one vote, I felt that at long last I had done something for the economic future of this state, but in less than five minutes time the Governor of this state, after consulting with Mr. William Adams, the head of the DEP, erased six months of work of the Committee on Natural Resources and the votes and debates of the House and the Senate.

I would like to remind you that this bill cleared its first hurdle here in the Senate by a vote of 24-to-5, and we enacted it Tuesday evening 18-to-9. It went through the other branch of this legislature with an even larger vote on its first trip. But I don't believe the man downstairs cares whether we try to honestly represent the views of our constituents. The Governor of this state has said on a number of occasions that we don't hear the drumbeats of the voters. Well, your Excellency, I think you better get yourself a hearing aid because I listen to the voters of my district and they are fed up — and I will repeat it so you will hear it correctly — fed up with the Board of Environmental Protection, fed up with the endless delays in hearings, fed up with those who would hinder the economic growth of the State of Maine.

The people I represent are good people, honest, hard-working, and basically Yankee conservative. They do not want to in any way harm our environment, and neither do I. They want business and industry to come to the state, and so do I. But what we want is good jobs, good business, good industry that will operate within our environmental laws.

Our Governor has been in the newspapers, on radio and television, telling our Maine people that the businesses will not come to Maine because of the bad image we have created. This bill would have totally destroyed that image. Our Governor has made statements of his efforts to bring jobs to the State of Maine. This bill would have helped him in that effort. I would submit to you that what the Governor says and what the Governor does are two different things.

I would submit to you here today that our seldom-home Governor does not care about the economic future of this state. He just got back from Canada, vetoed a number of bills, and ran to fly to California.

Ask yourself, if you were going to invest millions of dollars in a business or an industry in this state, and you could assure the DEP that you could meet all the environmental requirements of the state, how much harassment would you take from the intervenors before you would say forget it. Well, Georgia Pacific said forget it, that they are moving across the river into New Brunswick, and this is exactly what this bill deals with.

Yesterday you heard the good Senator from Cumberland, Senator Berry, read from a report that Maine's loss of a triple-A rating was due largely to a mediocre economic future. This bill would be one of the biggest assists to the economic future of the state that we will have ever acted upon in this legislature.

The other day I made reference to an article in the Maine Sunday Telegram that painted me as a tool of the devil toying with our environmental laws. This was perhaps one of the most slanted pieces of journalistic articles I have ever read. The writer, Mr. Bob Cummings, either deliberately misinformed his readers about this bill or he never took the time to read it. I received one letter from a Voltan B. Lewis literally dripping of venom. Needless to say, I did not answer it, but I would like to show you the power of the press by just quoting the last line of his letter. "I guess part of my concern is that I don't trust you fellows to really represent the wishes of your constituents."

Mr. President and Members of this Senate, I have listened to my constituents and believe that each and every one of us

here have. We know that they are thoroughly disgusted with the Department of Environmental Protection and its turtle speed.

Mr. President, my efforts to see the Governor have been in vain. I had only two opportunities to just barely discuss this bill with him. He seemed to have an interest in it. These discussions were necessarily brief because they were with county delegations for coffee and donuts. But Tuesday I informed the Governor's assistant, Mr. Ralph Lowe, that the bill would be enacted and that I would like to see the Governor about it. I wasn't assured that I would, but I was asked to prepare a statement of one paragraph to explain the bill. That would have been impossible. So I took the opportunity that same evening to write a letter to the Governor explaining the bill in its entirety. I shall not read it to you, but I told him that the economic effect had been deleted, and also deleted was the requirement of direct effect, as well as the requirement that intervenors show their technical ability to participate in the hearings. I made every conceivable alteration to accommodate the intervenors in this bill. I did, however, write it up, hoping that at least someone would read it and know that this was a good bill. Yesterday morning when we were in session, and while my letter was being typed, the Governor vetoed the bill, without even the courtesy of allowing me to be present so that I could explain it to him. But, of course, Mr. William Adams had his opportunity, and you will see in the papers what they had to say about it. Is that what the Governor means when he says return government to the people, to get advice from someone in the system?

Let's turn to the Governor's message. He says the problem does not need to be resolved and the Board is now in the process of making its procedures more efficient. Because of this bill they say they are. Don't be so naive, Governor. When this legislature departs, they will run wild over there. And I would remind the Senate that this is from the lips of the Governor, that the department heads cannot wait until this legislature goes home. He found that same thing when he was doing the cost survey here two years ago.

Mr. President and Members of the Senate, I would submit to you that the department has been holding hearings, and these are the proposed regulations. But here is what these proposed regulations will do — well, first of all, I should perhaps tell you that one of our professional intervenors has a husband who is working very closely with our assistant attorney general in the Department of Environmental Protection. And here is just what these new regulations would do:

1. It allows intervenors a full and unrestricted right of oral cross-examination.
2. It gives intervenors the new right to demand of the applicant at a conference held sometime prior to the hearing a list of witnesses and all background and raw data prepared by an applicant.
3. It allows the intervenors to wait until the first day of the hearing to provide a similar list to applicants.
4. It gives the intervenors the new right, in addition to unlimited cross-examination, to require applicants to answer written questions submitted by the intervenor before the hearing.
5. It allows any member of an environmental group to testify or ask



questions of the applicant, but specifically prohibits employees of the applicant from asking questions of the intervenors or public whotestify.

Mr. President, on our desks today is a copy of the Maine Times, Friday, June 20th. And on page 7 there is a letter to the editor and its title is "The Senate Captain". This is from our Governor. And he does right, he commends our presiding officer, and I am sure that we all do. But I am concerned with one sentence in the last paragraph. It says: "Once again I find an individual both sensitive and perceptive to what I feel is one of the major problems facing this country, in our attempts to preserve a free and open society in which the environmentalists and the industrialists may fairly and openly debate, and yet constantly reason together in the important attempt to balance the equities of development and conservation." This is from our chief executive. He says one thing and he does another.

Mr. President and Members of the Senate: The Governor said that this bill has a desirable goal, but will prevent the public from having access to an important decision-making process in government. If you were a responsible person, your Excellency, and had taken the opportunity to read the bill or discuss it with me; that part under section 3 of the bill, the public has more rights guaranteed to it than the Board of Environmental Protection ever granted them. This brings me to what I think is the third point of the Governor's message.

You speak of the wrong philosophy when you cite, for example, "If a citizen sincerely believes that a proposed project may impair the quality of 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." Well, Governor, I know you listen to just Bill Adams. I know you have a degree in law. I know you passed the examination for the bar. I know that if you had read the bill you would know that such a person would qualify as a party because they would be substantially affected, under section 1 of this bill. You would know that they would receive copies of all filings of documents and papers. You would know that they have a right to testify, cross-examine and appeal.

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

Mr. CURTIS: Mr. President and Members of the Senate: I have not spoken on this bill before. I would like to make a couple of comments though about the preceding statement that was made in regard to the comments about two individuals. One is the Governor of this state who, although I frequently disagree with his positions, I think it would be very incorrect to say does not care about the people of the State of Maine. The second person is Mr. William Adams, the Commissioner of the Department and Chairman of the Board of Environmental Protection.

Now, I have found Mr. Adams to be a fine, conscientious department head, one who is concerned with the way that the hearings are run by that Board, and one who takes every consideration of the people who have had occasion to come before that Board, as I have. On the instances with which I am familiar, I would like to report to the Senate that he as

an individual certainly exemplifies what in my opinion, is the attitude that every public servant of the State of Maine should take a great deal of care and consideration for the people who appear before State Government and wish to plead the cause for themselves or on behalf of someone else. In particular, I would like to commend the Board of Environmental Protection for their attitude, and Mr. Adams for his leadership, in reviewing the rules and the guidelines by which the Board holds its public hearings. Indeed, in reviewing those rules, they sent notice to legislators, to people who had appeared before the public hearings, and to lists of people that concerned citizens such as myself sent to them because we knew that there were concerns by individuals in the State of Maine regarding the rules.

So, although this is the first time that I will vote to sustain the gubernatorial veto, I would like to say that I think it should be on the record that many of the comments made by the preceding speaker certainly would not reflect my own thoughts.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I believe that there is no man more interested in the economic development of the State of Maine than the Governor of this state. He was backed, I believe, by much of Maine's business community. But one thing about the Governor, at least, is that the Governor recognizes fair play. And this bill that has come out of committee, which did not come out unanimously, does not recognize fair play. It doesn't recognize the oral right of cross-examination of the intervenor.

It was a surprise to me to see this bill back on our desks this morning, and I would like to read just briefly about why this bill came back. It states here, "Governor Longley's veto of the bill that would have curbed the role of intervenors and the public at environmental hearings came, with the urging of the Department of Environmental Protection Board. Board members Wednesday had unanimously asked the measure to be vetoed. Richard Anderson said the measure would slow hearings rather than speed them up. 'The requirement that all questions be written just complicates things, and anyone who wants to can keep writing questions forever. No one wants speedy hearings more than this Board,' Anderson said, 'and this bill just doesn't do what the sponsors intended.' DEP Commissioner William Adams worried that the general public would be excluded. 'This bill is aimed at three or four big hearings we have had, but it would affect all hearings,' Adams said." This quote I think is important: "99 percent of our hearings last two hours, are held in small towns, involve small projects. People want to be able to ask questions freely to find out what is going on. They couldn't if this became law."

I also want to make a statement that the Commissioner of Environmental Protection is one of the most conscientious commissioners in the State of Maine. William Adams and his whole department has been very helpful to the committee. And I hope that this Senate will go on record today as sustaining 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 think the Senate will recall, in going over the debate that has been on about this bill as we have had it in various postures, that I suppose I have been sort of a moderate in regards to this bill. At one time in the progress of this bill I fought to put in language that was a little clearer to me, and maybe it was a little more moderate than the language of the bill, and I did not prevail. But I think something has to be said about this bill either way any of us are going to vote.

You know, I suppose a lot of us get preconceived notions and then we try to make things conform to them, and I think that many people in the public and in the press have done that in regards to this bill. We in the last decade have enacted, much to the credit of the people of this state and to the legislators who were sitting in this legislature in the last ten years, good sound environmental laws, substantive laws that hopefully will save and improve our environment. And we have come into a time now when those laws are being put to the test and, unfortunately maybe, they are being put to the test in times that are very bad economically. So many people thought that this legislative session was going to be the session that would destroy the environmental laws of Maine. They made up their mind that that was what was going to happen, and since that time I think they have been pretty anxious to find something to conform to that. This being the only change that we are making, I suppose this bill has become the focal point of everybody's attempt to have that preconceived notion borne out. I think that it is unfair.

However we vote on this, I think that it is important to keep in mind that this isn't a substantive change in our environmental laws. The standards that have to be met and the powers of the people that enforce those standards are not changed one iota by the passage or failure of this bill. All that we are talking about with this bill, the big evil villain of this legislative session for the environmentalists, is the procedures that will take place before the Board that is entrusted with the obligation of making a judgment about the facts and the law. And all that it says is that some standards should be set up to assure that the person who is being regulated will get a speedier and as fast a determination of the facts as possible and that as many of the facts can be brought out without defeating that first purpose.

I had some question as to how to vote on this veto, and frankly, I could live with whatever the Senate did, but I think the Board will take some steps to improve things. But I think that it is unfair to suggest that this bill in any way reflects any great environmental backlash in the State of Maine. A lot of us feared that it would happen, and it hasn't. And it is to the credit of this legislature that it hasn't. What we are talking about here is a very narrow issue, and I think we should keep that in mind when we vote on this veto, and I think we should keep that in mind when we look back on the record of the 107th, which I think is a record which, when looked at in its entirety and in the final results, is a record that even when the chips were down, and even when the pressure was on, the 107th stood firm on Maine's environmental laws. It is to our credit, I think we can be proud of it, and this bill doesn't run either way, counter or for that basic proposition.

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.

The Secretary will call the roll.

#### ROLLCALL

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

**NAYS:** Senators Berry, R.; Collins, Cummings, Curtis, Gahagan, Graham, Greeley, Huber, Katz, McNally, Reeves, Speers, Trotzky.

A roll call was had. 19 Senators having voted in the affirmative, and 13 Senators having voted in the negative, and 19 being less than two-thirds of the membership present, the veto of the Governor was sustained.

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

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

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

Pending — Reconsideration.

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

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I have a deep respect for the position which the Governor is in. I realize he has to make a great many decisions which he probably hasn't been encountered with in his past business experience, but I have to take issue with him in a sentence that he has in this veto message when he states that 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 must state this afternoon that his statement is untrue. The only person contacted was a secretary to the Pharmaceutical Board who could not speak for the Board in any way, shape or manner. No one else was aware of the Governor's concern regarding the bill.

Over 80 percent of the druggists in Maine endorse this bill, and I feel if they are willing to keep records and be further educated in new procedures to better serve Maine's people, we should override the Governor's veto.

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

Mr. BERRY: Mr. President and Members of the Senate: I wholeheartedly agree with the good Senator from York, Senator Hichens, and I am somewhat chagrined that the chief executive officer of this state would miss the initial impact of this bill. He indicates in his veto message that we are requiring druggists to put directions on drug containers, which is done at the present time. He also indicates that it would cause an explanation by the druggist. Anyone who receives a

prescription drug at this time merely has to ask the druggist and the druggist will explain the use of that drug.

The bill itself came before the Health and Institution Committee and came out in committee redraft, which I opposed, and the bill, after much debate on the floor of this chamber and the other body, was returned to its original status. But I think there is a very important factor that has been overlooked. This bill was introduced by the pharmacists of this state, and I think it is important when a group of professional people, such as the pharmacists of the State of Maine, want to compel upon themselves an educational system whereby they will have to complete 15 hours of approved courses before their license can be renewed.

Now, it is my understanding that it was brought out before the committee that, as Senator Hichens has stated, approximately 80 percent of the pharmacists in this state are now doing this. The problem lies in the other 20 percent. I think that if the pharmacists are in favor of this, and if one individual from the Board of Pharmacy is going to be allowed to speak for all the pharmacists in the State of Maine, then we certainly are going to have problems in much more than a pharmaceutical field. The pharmacists themselves did introduce this legislation, they supported it heavily in committee, it came out of committee and was supported heavily by the committee, and I think it can do nothing but improve the health care situation for the people of the State of Maine and I would urge the Senate for the override.

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

The Secretary will call the roll.

#### ROLLCALL

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

**NAYS:** Senators Katz, Merrill, Pray.

A roll call was had. 29 Senators having voted in the affirmative, and three Senators having voted in the negative, and 29 being more than two-thirds of the membership present, it was the vote of the Senate that the Bill becomes a law notwithstanding the objections of the Governor.

Sent down for concurrence.

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

Mr. BERRY: Mr. President, with reference to L. D. 1152, "An Act to Clarify Standing before the Board of Environmental Protection," having voted on the prevailing side whereby the veto of the Governor was upheld, I move reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby the veto of the Governor was sustained.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, may I

make an inquiry as to what the vote was on that issue.

The PRESIDENT: The Chair would advise the Senate the vote was 19 in the affirmative, and 13 in the negative.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, again a parliamentary inquiry as to which members of the Senate would be on the prevailing side.

The PRESIDENT: The Chair would advise the Senator that those Senators on the majority side would be on the prevailing side. The Chair would advise the Senator from Cumberland, Senator Berry, that his motion is out of order.

Mr. Huber of Cumberland was granted unanimous consent to address the Senate:

Mr. HUBER: Mr. President and Members of the Senate: I would just like to say as to the eleven bills that I plan to take off the Appropriations Table shortly that none of them appear at the present time to have any appropriation necessary. All of them have had at some time during their legislative life.

With that explanation, I would like to move that H. P. 185, L. D. 233, An Act to Allow a Trade-in Credit on the Sales Tax on Boats, be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate take from the Appropriations Table L. D. 233, An Act to Allow a Trade-in Credit on the Sales Tax on Boats. Is this the pleasure of the Senate?

It is a vote.

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

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

An Act Exempting Trucks Purchased by Nonresidents from Sales Tax. (H. P. 205) (L. D. 250).

The PRESIDENT: The Senator has the floor.

Mr. HUBER: Mr. President, concerning L. D. 233 and L. D. 250, I have memos from the Bureau of Taxation that neither of these appear to have any loss of revenue attached to them.

The PRESIDENT: The pending question before the Senate is the enactment of L. D. 250.

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

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

An Act to Further the Conservation of Vision. (S. P. 169) (L. D. 556)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I have here a memo from Commissioner Smith who feels that there are funds available in the Division of Eye Care to fund the \$4,000 per year required by this bill.

The PRESIDENT: The pending question is the enactment of L. D. 556.

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

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

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I have a memo from the Commissioner of the Department of Agriculture saying that although the report requested by this L. D. may not be exactly what the sponsor has in mind, that the funding can be found within the departmental budget.

The PRESIDENT: The pending question before the Senate is the enactment of L. D. 670.

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

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

An Act to Create the Maine Correctional Advisory Commission. (H. P. 712) (L. D. 819)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I have a communication from Commissioner Rosser of the Department of Mental Health and Corrections saying that although it should be understood the Department will not provide funds for expenses for members of the committee and that participation would be on a voluntary nonexpense-paid basis, unless grant money could be obtained from other sources, he feels that there will be no cost to this bill.

The PRESIDENT: The pending question is the enactment of L. D. 819.

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

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

An Act to Provide Transcription of Testimony taken in the Investigation of Consumer Complaints in Order to Protect the Constitutional Rights. (L. D. 1127)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I have a communication from the business manager of the Attorney General's Department saying there will be no additional costs to their office by dent of this bill.

The PRESIDENT: The pending question is the enactment of L. D. 1127.

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

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

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

On motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator,

and under suspension of the rules, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "A", Filing No. S-943, to Committee Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President and Members of the Senate: The purpose of this amendment corrects an inadvertent error in this bill, which without the amendment transferred the liability for paying for real estate transfer tax stamps from the grantor to the grantee. This amendment removes it to the traditional responsibility to the grantor.

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

Thereupon, Senate Amendment "A" to Committee Amendment "A" was Adopted and Committee Amendment "A", as Amended by Senate Amendment "A", was Adopted in non-concurrence.

The PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules this bill as amended be sent forthwith to the engrossing department?

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I move that this bill and all its accompanying papers be indefinitely postponed. This is the bill which sets up a new procedure with regard to the tax stamps that go on our deeds by which extra paperwork will be created in our closing of real estate transactions, with copies being sent to the state and to local assessors. I realize that it could be helpful to assessment offices to have this data, but it is available in other ways.

I have found that there is a tendency to rely too heavily on the data revealed by tax stamps rather than by making actual inspections of the property concerned and comparisons of sales in the area and collection of other data which provides a more adequate appraisal of the real economic value of the property.

To give you an illustration, there are cases where a property is sold among friends at a price which is much less than fair market value. The stamps only have to reflect the sale price, yet the economic value in the marketplace could be much greater. By the same token, there are some people who come into the State of Maine from outside who pay far above the going prices for particularly attractive pieces of property, and this information, getting recorded in this way, without thorough appraisal performance by the assessors involved, again distorts the value picture. This is one of the things we have been hearing about this session from people over on the coast, where from time to time sales at prices that do not fairly reflect the marketplace distort the appraisal picture and the proration established with the state. So I would ask you to postpone this bill.

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

Mr. MERRILL: Mr. President, this matter has been debated many times in this Senate and it has prevailed to the point where the bill reaches this point, and I hope that the Senate will stand by its

action and defeat the motion to indefinitely postpone.

I would just like to say that it is very difficult to value real estate, it is very difficult to evaluate the price of chattel, but real estate maybe more than anything else. It is unique, and the law recognizes that all pieces of real estate are unique, but 50 percent of every tax dollar raised in this state is raised by a levy on real estate. And what we are talking about here purely and simply is trying to have the necessary tools to assure that that levy will be on as accurate as possible reflection of the value of that real estate.

What we are concerned with is the fair market value. To determine the fair market value, we have to make determinations about what comparable real estate is selling for. This puts that information in the hands of the people that have to make that determination, and tries to see that that information won't become so public as to fall into the hands that it doesn't have to.

As to the concern which I spoke to when we debated this earlier, that the information will be misused—and that is what the Senator from Knox, Senator Collins, was suggesting, misuse—because tax assessing procedures provide that the 20 percent for comparables that is high and the 20 percent that is low are lopped off before a determination is made about what the average comparable price would be, the purpose of that is to eliminate the sales that aren't arms length sales that take place maybe between one member of a family and the other, and to eliminate the sales that represent some extreme price that is paid for whatever reason the seller had some particular interest in the land.

I am not going to stand before this Senate and say that the result of this improvement will be that we will always make a fair judgment about the value of a piece of real estate, but I am going to say that it is going to make it a lot fairer than it is today. It is going to provide a very much needed tool, and it is a tool that we are going to have to provide. Now, hopefully, through the years we can back off that 50 percent figure and we won't be so dependent ten or twenty years from now on real estate taxes as we are. But when we realize that 50 percent of all the money that we take from the people in Maine, as a state with its municipalities, is raised by this one vehicle, the property tax, I think we recognize we have a pretty serious obligation, whatever our own particular effect might be on us, to do what we can to see that it is a fair evaluation.

The Taxation Committee worked hard on this bill, and the sponsor of the bill knows a great deal about this himself. I think that this is a good compromise between the larger concerns, and I hope the Senate will defeat the motion to indefinitely postpone.

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

Mr. REEVES: Mr. President, although I am reluctant to disagree with my fellow Senator from the Coast, Senator Collins, I have here a letter from the Town of Boothbay, from the Town Manager, who said that L. D. 1150, An Act Related to Improved Property Tax Administration, will help assessors in determining a just and fair value for property and urges the Senate, on behalf of the Town of Boothbay, to vote for this bill. And I believe this sentiment is shared by other small towns on the coast in my district.

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

Mr. WYMAN: Mr. President and Members of the Senate: I am glad to hear the good Senator from Cumberland, Senator Merrill, point out the fact that 50 percent of the tax dollars do come from real estate. I think that is serious and it should be done well. I think this is a poor tool with which to do it, and I agree entirely with what the good Senator from Knox, Senator Collins, said.

The late Mr. Crandall, who was a member of the Municipal Valuation Appeals Board, told me that in looking at these valuations all we see is the sunny side of the hill, that we don't see the dark side.

Now, in a great many of these places, in towns particularly along the shore, there is a lot of property that is churning over and over and over. One assessor told me that 20 percent of their property was going over and over and over between speculators, but you don't see the man back on the farm back in an area which isn't speculative. And I think with a poor tool you are going to get a poor answer, so I certainly hope the motion of Senator Collins prevails.

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

Mr. CYR: Mr. President and Members of the Senate: I oppose very strongly the motion which is before us to indefinitely postpone this bill. And I think to understand this bill, I should explain to you how state valuation comes about, how the state assessors arrive at the sales ratio.

Every two years the state assessors come into your community, pick up all the transfers, and then goes to the registry of deeds. He checks the deeds for the stamps to try to establish what that transaction sold for, and then comes back to your community and compares it with the assessment of that property. Now, in the transaction all of the unusual sales, whether they are on the high side or the low side, are taken off, are eliminated from this sales ratio study. Sales between relatives are taken off if they are found to be unusually low, or sales between speculators, a shopping center, for instance, that would be found to be unusually high, is taken off. There is a whole page of exemptions which are taken off from the books from the report. Then in the report is compiled all of the ratios, all of the sales, and they take out the top 25 percent and the lower 25 percent, and they arrive at a mean average of the middle 50 percent. This is what establishes your sales ratio.

Now, in the new law all local assessors will have to make a sales ratio of their own community yearly. To do that, they have to have some information. And this information can be had only if you attach these documentary stamps onto your deeds. It is no different and won't cost any more than what you are paying now. But today it is on the honor system and the honor system only, and as such, you have some deeds that do have the stamps and you have some that do not. You have some deeds that only have half of the amount of the stamps, so it is an unreliable tool, an unreliable figure, and it is for that reason that this bill was introduced. It is to make sure that that transaction is a genuine transaction.

Now, the only opposition to this bill has been from the registrars because they claim it is going to give them more work. But in this legislation, 15 percent of the

revenues will go to the counties. The commissioners will have the authorization, will have the power, if they want to, to turn around and pay the registrars 5 percent or 10 percent commission, or the whole 15 percent if they so desire, if they think that it is worth it. Naturally, it is going to give them a little bit more work because they are going to have to file two copies, one with the state assessor and one with the local assessor.

Now, I don't know how many of you realize it or not, but we have eliminated the Bureau of Property Tax. This was in the inconsistency bill that we took off the table last night and I amended. It is to give the state assessor — we are going back, we don't have the Property Bureau, or we won't have any more; it is now going to be the same as the old system, the state tax assessor. So, for that reason, they need more and better information, and this legislation will give it to them, will give it to the local assessors and will also give it to the state assessors.

Now, the importance of this is that on the state valuation rides approximately 175 million dollars which are being returned to the towns through education subsidies, through road subsidies, and all of the other subsidies. It is, therefore, imperative that we have a fair and equitable system, fair and equitable between towns in the State of Maine. And unless you have the correct information and thorough information, you won't be able to have this fair and equitable system between towns.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Cyr.

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

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

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

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

Mr. CYR: Mr. President and Members of the Senate: I would also like to add that on this same bill, this bill was put on the Appropriations Table by mistake, because in the statement of fact they had the cost of administration but not the revenues. So the State of Maine, by having this bill, would end up for the year 1975-'76 by having an increase in revenue of \$11,000, and for the year '76-'77, \$24,300. These are extra revenues over and above the costs of administration and over and above the 15 percent that would be returned to the counties that the State of Maine would generate. So I think just from the revenue standpoint we ought to pass this.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Knox, Senator Collins, that L. D. 1150, An Act Relating to Improved Property Tax Administration, and all 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.

#### ROLLCALL

YEAS: Senators Clifford, Collins, Cummings, Curtis, Danton, Graffam, Greeley, Hichens, Marcotte, McNally, O'Leary, Roberts, Thomas, Wyman.

NAYS: Senators Berry, E.; Carbonneau, Cianchette, Conley, Corson, Cyr, Gahagan, Graham, Huber, Jackson, Johnston, Merrill, Pray, Reeves, Speers, Trotzky.

ABSENT: Senators Berry, R.; Katz.

A roll call was had, 14 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

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

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

An Act to Increase the Veteran's Property Tax Exemption. (H. P. 1174) (L. D. 1172)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I again have a memo from Mr. Halperin in the Tax Department saying that there will be no cost estimated on this bill.

The PRESIDENT: The pending question before the Senate is the enactment of L. D. 1172.

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

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

An Act to Reorganize the State Personnel Board. (H. P. 1238) (L. D. 1264)

On motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-344, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President and Members of the Senate: I would just like to say that the cost on this bill was due to the increase in the per diem to the Personnel Board members. This has been reduced to the original amount, therefore, the cost is no longer valid.

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

Mr. CURTIS: Mr. President and Members of the Senate: This is a bill which came from the State Government Committee as a result of a recommendation and a report from a previous session of the legislature, and I wonder if the Senator from Cumberland, Senator Huber, is aware of the fact that the bill itself creates five public members of the Personnel Board, whereas in the past there had only been three public members, and two were state employees whose regular pay was provided and, therefore, they were not reimbursed the \$20 a day. As a consequence of the wording of the bill, there will be a necessary appropriation unless the rest of the bill is to be amended also.

The other thing I would like to say is that it seems to me that we pay even legislators \$25 a day, and I think that the people who work on the Personnel Board ought to be paid more than that, but that is a policy matter. On the other matter, if it meets with the approval of the Senate, it might be



well for somebody to move to table this matter.

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

Mr. HUBER: Mr. President and Members of the Senate: I am aware of the additional members. The department involved feels they can absorb the minimal cost in their budget.

The PRESIDENT: The pending question, is the adoption of Senate Amendment "A". Is this the pleasure of the Senate?

Thereupon, Senate Amendment "A" was Adopted in non-concurrence.

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

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

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HUBER: Mr. President, I have a memo from the Commissioner of the Department of Education saying that there will be no appropriation required on this bill.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that this bill be 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.

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

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

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

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

Senate Amendment "B", Filing No. S-315, was Read.

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

Mr. CARBONNEAU: Mr. President, I would like to explain a little bit what this amendment does. Originally, L. D. 1766 was enacted in the House and came here a couple days ago, or last week rather, and the Attorney General found that there might have been an appropriation connected with this bill. This is why this was put on the Appropriations Table. Since then we have come up with an amendment that would not require any monies for this bill. That is why the explanation of the amendment.

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

Thereupon, Senate Amendment "B" was Adopted in non-concurrence.

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 Concerning the Municipal Valuation Appeals Board and Procedures for Municipal Appeals" (H. P. 1015) (L. D. 1520)

Tabled — June 4, 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-449).)

(In the Senate — Committee Amendment "A", Indefinitely Postponed, in non-concurrence.)

On motion by Mr. Speers of Kennebec, and under suspension of the rules, the Senate voted to reconsider its former action whereby Committee Amendment "A" was Indefinitely Postponed.

Mr. Wyman of Washington then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-345, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted in non-concurrence.

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

#### Papers from the House

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

#### Joint Order

WHEREAS, the Joint Standing Committee on Performance Audit of the 107th Legislature was established to scrutinize the performance of state agencies under given funding levels in an effort to aid government to more efficiently serve the people of Maine; and

WHEREAS, the Governor has often stated, through his support of the Management Cost Survey and by numerous other actions and statements, his desire to streamline state government in order to better serve Maine's citizens; and

WHEREAS, the Legislature recognizes that the effort of the Performance Audit Committee and of the Governor can best be accomplished through extensive cooperation between the legislative and executive branches; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Performance Audit, to study the performance and funding of state agencies in an effort to ensure maximum governmental efficiency with the least expenditure of taxpayer dollars; and be it further

ORDERED, that the Legislative Council be authorized, through the Joint Standing Committee on Performance Audit, to cooperate with the Governor and the executive departments to the maximum extent possible in order to achieve the purposes of this study; and be it further

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

ORDERED, Upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1735)

Comes from the House, Read and Passed.

Which was Read.

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

#### Joint Order

WHEREAS, the public interest requires

that the State of Maine protect its right to fish in Maine waters; and

WHEREAS, it is rotable that the Congress of the United States will enact statutes providing for United States management jurisdiction over fisheries resources out to 200 miles or to the edge of the continental shelf, whichever is the greater distance; and

WHEREAS, the United States may wish to share the management responsibility with the affected coastal states; and

WHEREAS, it is appropriate for the 107th Maine Legislature to anticipate this new authority, expanded jurisdiction and responsibility by studying and recommending what the proper role of the State of Maine in sharing fisheries resources management should be and what legislation may be necessary to implement concurrent or individual state responsibility under such proposed United States Acts; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Marine Resources, to study the problems presented above and make its findings as to Maine's proper role in sharing fisheries resources management; 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. 1736)

Comes from the House, Read and Passed.

Which was Read.

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 Kenneth L. Matthews of Caribou Upon His Retirement After 27 Years of Dedicated Service as Music Director of Caribou High School

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. 1737)

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 the



Jayhawks of Boothbay Region High School Varsity Golf Team Coached by Walter Gorneau Knox-Lincoln League Golf Champions for 1975

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 1738)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order

WHEREAS, some developers of recreational areas are experiencing difficulties in providing contractual services to purchasers within their subdivisions; and

WHEREAS, such contractual services are similar in nature to services normally provided by municipalities; and

WHEREAS, providing such services would constitute an undue burden upon municipalities and municipal taxpayers and in some cases cannot be provided by municipalities; and

WHEREAS, legislation has been prepared to provide an adequate substitute whereby the purchasers could adopt a limited form of village corporation or service district so that the purchasers could equitably fund and provide such services for themselves without burden to the municipalities involved; and

WHEREAS, legislation in the form of L. D. 1652, "An Act to Incorporate Frye Island Village Corporation" as introduced at the regular session of the 107th Legislature was not considered to be adequate to meet the problems posed; and

WHEREAS, the Legislature feels these matters are deserving of additional study; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Local and County Government, to study the subject matter of the bill, "An Act to Incorporate the Frye Island Village Corporation," H. P. 1316, L. D. 1652, as introduced at the regular session of the 107th Legislature and to study such other means and methods of solving the above problems as may be necessary to determine whether or not the interests of the State would be served by the enactment of such legislation; and be it further

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

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted to said Legislative Council, the Joint Standing Committee on Local and County Government and each of the counties of this State, as notice of this directive. (H. P. 1739)

Comes from the House, Read and Passed.

Which was Read.

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

#### Committee Reports House Ought to Pass

The Committee on State Government on, Bill, "An Act to Provide Consumer Representation on the Board of Commissioners of the Profession of Pharmacy." (H. P. 429) (L. D. 523)

Reports that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence and the Bill Read Once. Under suspension of the rules, the Bill was Read a Second Time.

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

#### Ought to Pass - As Amended

The Committee on Judiciary on, Bill, "An Act Concerning Continuing Jurisdiction over Juvenile Offenses." (H. P. 939) (L. D. 1190)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-791).

The Committee on State Government on, Bill, "An Act to Create a Central Professional and Occupational Licensing Bureau in the Department of Business Regulation." (H. P. 1424) (L. D. 1816)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-792).

The Committee on Judiciary on, Bill, "An Act Relating to the Disposal of Certain Personal Property by Law Enforcement Agencies." (H. P. 69) (L. D. 940)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-778).

The Committee on State Government on, Bill, "An Act Pertaining to the Disposition of the Facilities at the Women's Correctional Center at Skowhegan." (H. P. 1441) (L. D. 1745)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-790).

The Committee on Judiciary on, Bill, "An Act Concerning Vehicles Left on the Premises of Commercial Garages and Certain Other Automobile Businesses for a Period of 6 Months or More." (H. P. 842) (L. D. 1027)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-783).

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

Which reports were read and accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and, under suspension of the rules, the Bills, as Amended, were Read a Second Time and Passed to be Engrossed.

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

#### Papers from the House

Under suspension of the rules, the Senate voted to take up the following:

#### Non-concurrent Matter

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

In the Senate, June 18, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-755), in concurrence.

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

Amendment "A" as Amended by House Amendment "A" (H-804) Thereto, in non-concurrence.

Mr. Roberts of York moved that the Senate Recede and Concur, and subsequently Mr. Collins of Knox requested a division.

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

Mr. ROBERTS: Mr. President and Members of the Senate: I would like to explain that in the House there was an amendment passed, which is amendment H-755. This amendment reduces the cost of this to the unemployment fund from a figure of approximately \$2,775,000 down to \$605,000, and it is done by increasing the amount that persons have to earn to be entitled to collect in the first place, which has been increased from where it was on the bill at \$800 to \$900, plus a reduction for the benefit of the dependents from \$7 to \$5. I hope that with this reduction the body here will go along and pass the bill as amended by the House.

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

Mr. SPEERS: Mr. President, this matter was debated at length yesterday evening and I will be very brief. This House Amendment was one that was expected perhaps to be put on in the Senate. It reduces the cost of this matter considerably. I would simply hope that the Senate and would very strongly urge that the Senate continue in its position that it took yesterday and go along with the motion of the Senator from York, Senator Roberts, to recede and concur.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Roberts, that the Senate recede and concur with the House.

A division has been requested. Will all those Senators in favor of the motion of the Senator from York, Senator Roberts, that the Senate recede and concur please rise in their places until counted.

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

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

Mr. ROBERTS: Mr. President, having voted on the prevailing side, I move that we reconsider whereby we receded and concurred and I hope that the Senate will vote against me.

The PRESIDENT: The Senator from York, Senator Roberts, now moves that the Senate reconsider its action whereby it receded and concurred with the House. 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.

#### Joint Resolution State of Maine

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

#### In Memoriam

Having Learned Of The Death Of John C. Sealey Of Skowhegan

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

While duly assembled in session at the State Capitol in Augusta under the

Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (S. P. 596)

Which was Read and Adopted.  
Sent down for concurrence.

### Committee Reports

#### House

#### Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act to Reform the State Retirement System." (H. P. 1395) (L. D. 1818)

Reports that the same Ought to Pass in New Draft under Same Title (H. P. 1725) (L. D. 1939).

Signed:

Senators:

COLLINS of Knox

O'LEARY of Oxford

CLIFFORD of Androscoggin

Representatives:

LAVERTY of Millinocket

THERIAULT of Rumford

LEONARD of Woolwich

NADEAU of Sanford

CURTIS of Rockland

MORTON of Farmington

KELLEY of Machias

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

Signed:

Representatives:

USHER of Westbrook

MacEACHERN of Lincoln

POWELL of Wallagrass Plt.

Comes from the House, the Majority report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendments "A" (H-787), "D" (H-795) and "E" (H-797).

Which reports were Read.

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

Mr. Collins of Knox then moved that House Amendment "A" be Indefinitely Postponed.

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

Mr. ROBERTS: Mr. President and Members of the Senate: I would like to speak on this. This is an amendment which I believe protects the state police, and I believe they are entitled to that protection. They have been operating under these rules, and it is like changing the rules in the middle of the game. Up until now they have been permitted to retire at the pay that they are getting on the day of retirement. This would make them average the last three years, and if they have been promoted, as many of them might have been during the last three years of their service, they would have to average that down. At today's prices, with inflation and so on, I think they are entitled to what they have reasonably been led to expect ever since they joined the force.

Now, this amendment would permit this practice of averaging it to start next January, 1976, so the people that are taken on in the force from now on would know that was the arrangement.

Now, this retirement bill is a good thing, because it is trying to get the retirement system pretty much the same for different branches, and it has not necessarily been the same. In fact, I believe the average — I know in the retirement part that I belong to I pay in 5 percent toward my retirement,

and I understand the state police; for instance, pay in 7½. There are several changes and several differences, and this bill, on the whole, will help to straighten those out and make everybody pretty much the same. However, I do feel in the case of the state police, who are required to retire at 55 because of the nature of the job and all, I think they are entitled to receive the retirement that they expected when they joined and when they worked for their promotions. It was at one time, I think, years ago perhaps, not a policy, but occasionally somebody got promoted: in the last year or few months before they retired and, therefore, got higher retirement. That practice has long since stopped and now all the retirements are given on the basis of being earned and the service rendered, and not upon favors or anything of this sort, and I feel that they are entitled to this amendment which will protect the people that are there now. I would hope you vote against the motion of the good Senator from Knox, Senator Collins.

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

Mr. COLLINS: Mr. President, this bill is the reform bill on our state retirement system. It comes about as the result of a study commissioned by the 106th Legislature. You probably have in your desk or in your box at home a thick brochure dated January, 1975, which I am holding in my hand, of the committee from the previous session. We have with us in the Senate today Senator Danton and Senator Gahagan. This committee was chaired last session by Senator Harrison Richardson.

This study, at a cost of \$20,000, reviewed the entire system and made recommendations and actuarial studies designed to strengthen the state system and to make provisions that would ensure its actuarial soundness in the years ahead. It is not a bad system but we tend to strain it and dilute it when we should be strengthening it.

Now, the good Senator from York, Senator Roberts, has put his finger on one of the real problems in the system. At the present time most state employees and teachers may retire at half pay after 25 years of service based on their average highest three years, providing they are at least 60 years of age. The state police may retire at half pay after 20 years of service, regardless of age, but the more important thing is that it depends on current annual salary. So that a state police officer might be promoted to a new position and work for a week and then retire, and his base would be at his new rate of pay for the one week.

Participating local district employees, particularly in the law enforcement field and firefighting field, have similar privileges where they may take the rate at point of retirement. This can be extended into other employees of these districts, but it is usually among these two groups where it is used.

Now, there are other variations in the system. There is the minimum \$100 pension for any person who can show ten years of service. And of course, I think we in the legislature are aware that we are the worst offenders in some respects concerning this minimum pension, because at the rate we have been paid in the past, most of us do not really give full funding, in an actuarial sense, to the minimum pension that we get. I was bothered by this, but I didn't feel quite so

guilty after I was informed that when the already voted pay raise is in effect in the next biennium we will come quite close to funding our minimum retirement pay if we spend ten years in the legislature.

There are other groups, and I won't try to be too detailed, but the thrust of this reform is that we are trying as much as we can to bring all these groups into a common denominator. Now, it would be nice to go to the highest common denominator, but it would be impossible because we just do not have the money. The original bill started out with a low common denominator and we loosened it up a bit, feeling that it was not entirely fair to be that close with the base. But the basic reform in the system is that everyone gets onto the three best years system averaged. But we realized that to be fair to everyone in the system we would need to give them an opportunity to plan for this change, and particularly in the case of those who have contracts through collective bargaining, or in other ways, that there would surely be another opportunity to review their retirement situation in another round of contract negotiations.

One of the faults in the system has also been the ballooning of the final years of service so that sometimes these retirement figures are being based on 400 day years or more because of accumulations of sick leave or vacation time, depending on what the group may be.

So that is a brief summary of what we are trying to do. There is a great deal of complicated detail in this matter. But in the other body this morning it was debated for nearly two hours, and numerous amendments were offered by the different groups who felt they were aggrieved, and many of these amendments were rejected. These three were adopted. And of these three, the other two —

The PRESIDENT: The Chair would caution the Senator on referring to action in the other body.

Mr. COLLINS: Thank you, Mr. President. The amendments shown on our calendar as H-795 and H-797 do not make very much change in the law and are perhaps even improvements, but this particular amendment that we are now debating is a problem because at every session of the legislature a new group comes in and wants to have the same preferred treatment that this group has. I refer to it as the state police group, but there are others in the same grouping, wardens and some others. Now, in this particular session we held the line on those requests, but to give you an idea of what happens, this year we had the criminal investigators from the Attorney General's Office, the mental health workers at certain institutions, the court stenographers. Every group feels they ought to get in on the preferred treatment, so you have a tendency to spread and spread the preferred treatment, moving toward the highest common denominator, and if this is where we end up, our system is going to be terribly expensive and in the process there are likely to be a number of inequities because the groups that do not have the political power, prestige, or whatever, may not make it.

This is a comprehensive overall reform. And when we have a reform, some people get hurt and some get helped. There are substantial benefits for our state employees, our teachers and our district employees who have become members of

the system, and I would predict that if we adopt the bill without serious damage that in years ahead we will feel that we have a stronger system than what we have now, with more benefits for our state employees, particularly in the areas of disability coverage and survivor benefits.

I would point out also that the state policeman who has been long in the force have at least two years in which his favored position will remain the same. Now, after that time — let's say he is in his sixteenth or seventeenth year now — after that time, there is limited grandfathering in that his rights accruing up to the time the act takes effect will stand there and he will have that advantage in the prorata treatment in figuring his benefits for retirement. We did some computations on sample officers and found that there was not a great deal of difference for those who had had sixteen or more years of service. And we would like to be able to give favored treatment to everyone, but if we did that, we wouldn't have a reform and we might as well forget about the rest of the goodies. So I would urge you to indefinitely postpone House Amendment "A".

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

Mr. CURTIS: Mr. President and Members of the Senate: Retirement is not an area in which I am an expert by any means, but I do represent a number of state police officers and I am concerned with the question of the amount of money to which they pay into the fund. Now, if state police are paying 7½ percent of their salaries rather than 5 percent of their salaries, and the only benefit actuarially to which they are entitled, and for which they are paying that extra 2½ percent, is the right to retire after 20 years at the rate which they receive for retirement, that would be one thing. If they had been paying 7½ percent rather than 5 percent, because of the right which seems to be protected in this amendment, then that would be an entirely different matter.

I appreciate very much the presentation made by the Chairman of the Committee in opposition to this amendment, but I would like to pose a question through the Chair as to whether or not actuarially the extra 2½ percent that the state police officers have been paying has been purchasing, as it were, only the earlier retirement, or if it has also been paying for the difference in the retirement pay determination date; that is, the average of three years or the last pay which they were receiving before they retired?

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

Mr. COLLINS: Mr. President, the extra contribution that this group makes is because of their privilege of retiring after 20 years at the half pay arrangement, which other groups do not have. And they will continue to have that privilege, but the base computation for their pay will no longer be taken at the point of retirement. It will be taken on an average of their three best years. And that, of course, doesn't begin to happen until a couple of years away.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I think that I speak for an area that is an urban area and that is more likely to have organized police and fire departments and organized public

works and public employees in municipal government, and I rise to support the Senator from Knox, Senator Collins, because I think in the long run that public employees who belong to the state retirement system are going to be better off with a system that equalizes treatment for everybody and that is on a sounder financial basis. I think that is what this act attempts to do and I think that is what it does.

Some people's special privileges which they currently have under the law are changed somewhat, and included in that group, to some degree, are some municipal employees. But I think in the balance the improved efficiency of the system, the improved financial standing that the retirement system will have, I think justifies the changes that we are making to equalize the system. I think in the long run everyone is better off with an equalized system, because with an unequalized system, it depends on who has the most political clout at the moment as to who gets the most benefits. That is what led us into the necessity for the retirement system study, and this bill is a result of that study. I want to commend the Senator from Knox, Senator Collins, for his work on that study, and he did that work while working as Chairman of the Committee on Judiciary which, as you know, had a tremendous load and the criminal code too.

So I hope we would vote in favor of postponing House Amendment "A", because if House Amendment "A" is not postponed, then I can assure you that I will sponsor or vote for special privilege amendments for various municipal employees, and I think that the whole retirement system law, or the whole purpose, will be defeated in that. But if in fact one group gets special benefits, then I think that other groups should receive the same consideration. Thank you, Mr. President.

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

Mr. COLLINS: Mr. President and Members of the Senate: I would like to just further answer the question by the good Senator from Penobscot, Senator Curtis, by giving you two or three figures of a teacher, a regular employee who is a member of the system, who now has 6½ percent of salary deducted to go into the system and the state police member has 7½ percent. Now, the state contributes for this teacher or regular employee ten percent, but for the state police officer twenty-seven percent.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Knox, Senator Collins, that House Amendment "A" be indefinitely postponed.

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

A division was had. 26 having voted in the affirmative, and two having voted in the negative, the motion prevailed.

House Amendments "D" and "E" were Read and Adopted in concurrence and, under suspension of the rules, the Bill, as Amended, was Read a Second Time.

Mr. Danton of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-346, was Read.

The PRESIDENT: The Chair recognizes

the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, it is the opinion of the Veterans and Retirement Committee members that this is a good amendment because it corrects one inconsistency that we had overlooked. We hope the Senate will adopt it.

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

Thereupon, Senate Amendment "A" was Adopted in non-concurrence.

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

#### Enactors

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

An Act to Provide State Relief to Householders Whose Property Taxes are an Extreme Burden Due to Such Householders' Insufficient Yearly Income. (S. P. 481) (L. D. 1671)

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

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

An Act Consolidating the Statutes of the Maine Guarantee Authority. (H. P. 1389) (L. D. 1805)

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

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

#### Emergency

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)

This being an emergency measure and having received the affirmative votes of 27 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.

#### Joint Order

Out of order and under suspension of the rules, on motion by Mr. Berry of Androscoggin,

State of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Ralph B. Skinner of Auburn Brigadier General In The Maine National Guard Lifelong Journalist And Historian Who Has Devoted His Life To The Renewal Of Auburn And To Her Citizens

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 597)

Which was Read and Passed. Sent down for concurrence.



**Papers from the House**

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

**Enactors**

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

An Act to Provide for the Detention of Shoplifters. (S. P. 452) (L. D. 1511)

An Act Concerning the Disqualification of Former State Employees, and the Former Partners of Present State Employees, in Matters Connected with said State Employees' Official Duties or Responsibilities. (S. P. 474) (L. D. 1608)

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

**Papers from the House**

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

**House Paper**

Bill, "An Act to Extend the Effective Date for Regulations Concerning Solid Waste Disposal." (H. P. 1746)

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

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

Mr. TROTZKY: Mr. President and Members of the Senate: Just a quick, brief explanation of this because I just saw it. Under the Solid Waste Management Act, the DEP is supposed to promulgate rules and regulations in solid waste management effective July 1, 1975. What this bill does is text that to January 31, 1976 so that the Legislature will have a chance to review those rules that are promulgated by the DEP.

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

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

Under further 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:

**Enactor**

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

**Emergency**

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

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

Mr. Pray of Penobscot was granted unanimous consent to address the Senate:

Mr. PRAY: Mr. President and Members of the Senate: Considering the hour, I will try to keep my remarks short. This morning while we sat in this chamber conducting our business there was a small gathering outside of a number of pulp cutters, some in my district and some

traveling more than 200 miles down here on a matter that concerned them deeply, and one that concerns me, seeing how they are some of my constituents. The concern that they have expressed and that has been carried by the newspapers several times is the weight and scale measures by which their pulpwood is being measured. I became deeply concerned as to the action that has taken place within this chamber and within the legislative process.

I have here before me the legislative record of April 24 of this year when a joint order, House Paper 1529, was introduced asking that the Joint Standing Committee on State Government by May 1st provide that the Bureau of Forestry shall undertake random verifications of the accuracy of the scaling of cut logs of pulpwood by pulpwood buyers. That House Paper was indefinitely postponed on the motion of the Senator from Kennebec, Senator Speers. The Senator from Kennebec, Senator Reeves, raised a question as to why this was being indefinitely postponed and the answer was, if I may quote, "Mr. President, the Joint Standing Committee on State Government has a considerable number of bills before it yet to be heard and yet to be handled, and it is the opinion of the leadership in the Senate that should there be a need for this particular bill it should be handled the same as all other bills, and that there should be discussion regarding the introduction of such a bill before the Committee on Reference of Bills. If there is an emergency or demonstrated need for this type of bill, then the Committee on Reference of Bills could authorize its introduction."

After the indefinite postponement of that House Paper, I had it held and I talked with leadership in both ends of the corridors here, and I spoke with the majority leader, Senator Speers, on this and it was my understanding that there was going to be a bill introduced, and as I understand it, there was a bill introduced but leadership refused to let it in because of the lateness of the session.

My concern is that there was a vehicle, not yesterday, not a week ago, but two months ago to help solve the problem that was the deep concern of these people, and while perhaps it isn't our concern at this time, it is a concern to them. I deplore the action of the leadership and I think it is a disgrace for the legislature down here where there is a concern of these people who work hard for their money and this is going to affect them to the extent of thousands of dollars between now and the next special session when this bill can be introduced. I think it is kind of hard to have these people come down here, take the time off to travel this distance, in the hard economic times that we have today of earning a livelihood, that they have to come down and have the legislative process slap them in the face.

Mr. Speers of Kennebec was granted unanimous consent to address the Senate:

Mr. SPEERS: Mr. President and Members of the Senate: I am very sorry for the good Senator from Piscataquis, Senator Pray, has chosen this late hour and at this point to make his not so very brief remarks, which obviously do require and demand a reply. I will try and make a reply very brief.

Precisely the scenario that was explained at the time the joint order was indefinitely postponed, that precise scenario and exactly what was suggested

and promised by the leadership of this Senate actually happened. The reason that the joint order was indefinitely postponed was as explained at the time the joint order was introduced. This was an attempt to get around the Reference of Bills and the regular legislative process requiring the approval of Reference of Bills after cloture of this session. The joint order was an attempt to get around that regular legislative process, and that is the reason the joint order was killed.

The suggestion was made at that time that the proper way to introduce legislation after cloture was to draft a bill and have that bill introduced and taken before the Reference of Bills Committee, which is made up of the leadership, the joint leadership of both parties in both branches, and the need or lack thereof, or whatever, of that particular item would be considered by the Reference of Bills Committee and either accepted or rejected on the merits of the item.

I am sure the good Senator from Piscataquis, Senator Pray, does not mean to imply that there was any deviance from the regular legislative process, because there was not and he is fully aware that there was not, and the bill was brought before the Committee on Reference of Bills. I don't recall precisely when the bill was brought before the committee. The good Senator from Piscataquis has made mention of a date in April. The date in April, I might suggest and point out to the members of this Senate and to the general public, because I am sure that the general public are those to whom these remarks are primarily addressed, that the date that was mentioned is the date of the introduction of the joint order, not necessarily the date upon which the bill was finally drafted or actually drafted and finally, considerably after cloture, finally brought before the Committee on Reference of Bills for consideration.

Now, there may well have been many reasons for the rejection of the bill by the Committee on Reference of Bills, which again I would point out is the joint leadership of both parties in both branches. I very honestly and frankly don't recall what the vote was in that committee or how serious or how adequate the presentation may have been before the Committee on Reference of Bills as to the emergency nature of this piece of legislation, or as to the demonstrated problems which may result or would result from the lack of introduction of this bill. Perhaps it was that the presentation before that committee was so totally lacking that the committee was simply not told of the problems that would result or convinced of the emergency nature of this particular bill.

The good Senator from Piscataquis, Senator Pray, is very well aware that there are numerous pieces of legislation that this legislature is asked to accept after cloture. Some of them have been accepted. Many, many, many more than I am sure he is even aware have been rejected. And I don't want to prolong this Mr. President, but I would just simply update the report and the suggestions made by the Senator from Piscataquis to say that the leadership has again considered this matter. The need for this matter has been presented to the leadership in a far more convincing manner, I might add, than was originally presented, and the leadership has made a commitment to again consider the need for this piece of legislation and perhaps to

work out a piece of legislation that may have a chance of passing in this regular session, and not one that is going to be so controversial that it will prolong the session to such an extent that the bill may not even have any opportunity or any chance of passing.

One final word, Mr. President, and that is, that the legislators of both of these branches have worked very long hours and very many months in this session, and many of us have introduced many bills. Most of us have been able to introduce those bills in a timely fashion, Mr. President, and to have these pieces of legislation drafted and introduced before cloture to be aware of the problems of our constituents prior to the time when we have problems in introducing the bills. I think the legislature as a whole, and if I might be somewhat self-serving, although not a great deal because I am only one of ten, I would say that the leadership of this legislature as a whole has been responsive to the problem of the people of the state and has been very responsible, where we may have made mistakes in the past, in attempting to correct any mistakes that may have been made. So I am sure the good Senator from Piscataquis, Senator Pray, does not mean to imply otherwise.

Mr. Pray of Penobscot was granted unanimous consent to address the Senate:

Mr. PRAY: Mr. President and Members of the Senate: I went to thank the good Senator from Kennebunk, for his not so brief explanation.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.