

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, June 20, 1975

Called to order by the President.

Prayer by the Honorable Minnette H. Cummings of Newport:

Dear Lord, we have tried to serve both Maine and you, we have tried to be both wise and true.

We have worked long hours, it has been a good show, but now, dear Lord, it is time to go.

Reading of the Journal of yesterday.

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

Joint Order (S. P. 591) Relative to Members of the Senate and House of Representatives attending National Legislative Conference.

In the Senate June 18, 1975, Read and Passed.

Comes from the House, Read and Passed as Amended by House Amendment "B" (H-808).

Mr. Conley of Cumberland moved that the Senate Recede and Concur.

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

Mr. CLIFFORD: Mr. President, I think we are in a time of serious economic problems for our state, serious economic problems for our state government, and I think it would be a gesture on the part of the legislature to forego these conferences. I think it would be a gesture which would be well received by the state employees and, more importantly, by the public. I move this order be indefinitely postponed.

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

Mr. CURTIS: Mr. President, not being a person who is likely to benefit directly from this particular order, I think I am in a good position perhaps to make some observations about the attendance of leadership at national meetings. I don't think the people of the State of Maine have been upset at all when the chief executive of this state has been traveling to other countries and to other states at great length and in many instances in the recent past, and I think the people of this state except that our leaders of the three branches of government will participate in deliberations where policy matters are considered and decisions are made that will affect all of the states, and particularly the improvement of government of all of the states. So I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I certainly agree with both of the previous speakers and, accordingly, I think the motion might be to adhere, which I would make.

The PRESIDENT: The Chair would advise that the motion to indefinitely postpone is out of order since we are in non-concurrence with the House at this point.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I was of the understanding that there were two orders, that one pertained to leadership conferences and that was a separate order from this one, and that this one pertains to the National Legislative Conference. Am I correct or am I in error?

The PRESIDENT: The Chair would advise in the affirmative, it is the Chair's belief that this applies to the National Legislative Conference.

Mr. CLIFFORD: Am I correct that there is another order which this body passed which pertains to the National Legislative Leadership Conference?

The PRESIDENT: The Chair would advise the Senator to research his book. I don't have the details up here. I know there are a lot of orders and they apply to a lot of conferences.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, in view of the indication in the affirmative, I would withdraw my motion to adhere. I would then move that the Senate recede, with the thought that then the motion of the Senator from Androscoggin, Senator Clifford, would be in order.

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

Mr. CONLEY: Mr. President, the reason for the order being in nonconcurrence at the moment is because of the fact that the order as passed read six members of the Senate and six members of the other body. The other body, feeling that it has a far larger group, has asked to extend that number from six to eleven.

I think some of us who have been here in the past recognize that regardless of what happens, if we kill the order, the Speaker of the House, I believe, still has the authority to designate a certain number to go to the National Legislative Conference. I personally just feel the amendment does give some justification, in the sense that there are 151 members there, and asking to increase that number of House members to go to this particular conference is reasonable. I would oppose the motion to recede.

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

Mr. KATZ: Mr. President, arithmetic indicates that we are now talking about 17 people traipsing off — I don't know where the conference is this year, but I bet you it is not in Chelsea, Massachusetts. An alternative, to maintain an equitable relationship with the House, might be to reduce the Senate membership a little bit, so that we can be prudent, so that we can put things in proper balance, and yet I think it is important that some legislators get the benefit of exposure to national problems in mixing with their peers from other states. If anyone feels that it is a good idea to kill this amendment and then offer another amendment reducing the Senate membership slightly, perhaps someone might be willing to table it until later in today's session.

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

Thereupon, on motion by Mr. Curtis of Penobscot, tabled until later in today's session, pending the motion by Mr. Berry of Cumberland to Recede.

Non-concurrent Matter

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

In the House June 16, 1975, Passed to be Engrossed as Amended by Committee Amendment "A" (H-720).

In the Senate June 18, 1975, Bill and accompanying papers Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Carbonneau of Androscoggin moved that the Senate Adhere.

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

Mr. THOMAS: Mr. President and Members of the Senate: I rise to oppose the motion to adhere. L. D. 710 was one of the many warranty bills we heard in Business Legislation this year. It provides minimum warranty standards for new home purchases, not including industrial housing or mobile homes. The builder must provide the purchaser a 12-month warranty on the dwelling, including components, appliance or mechanical hookups installed and affixed to the dwelling.

The terms for conditions of the warranty must be in writing and delivered to the purchaser at the time of the purchase stating that the dwelling is free from any substantial defects in material or workmanship. The criteria used is the local building code, The BOCA Code, or in the absence of a code, a defect exists when the dwelling does not conform to generally accepted building practices in the locality.

The subsurface sewage disposal is also covered by the warranty, but it just confirms what is presently state law and states that it must not violate any municipal ordinance or state regulations.

The warranty provides that the builder, the manufacturer, or both, must correct or reimburse the purchaser when defects do occur within the 12-month period if the purchaser gives written notice of such defects. The builder and manufacturer where applicable, will be jointly liable for defective material. The name and address of the builder shall be included in the warranty. Manufacturer's warranty on appliance or mechanical devices shall be itemized in the agreement between the builder and the purchaser. Violation of this Act will constitute a violation of the Unfair Trade Practices Act.

Guarantees or warranties often accompany a \$5 purchase, but on the biggest purchase of all, a home, a warranty is nonexistent. We have many good builders in this state who I am sure are complying with the requirements of this L. D., but we have others that do not comply. The Home Builders Association is considering coming up with their own warranty, and this L. D. will complement that. We must also remember that not all builders belong to the Home Builders Association, and L. D. 710 will provide very minimum standards that they must meet.

I urge you to support the passage of this L. D. and give the home building industry a boost by guaranteeing to the citizens of Maine that they will have some recourse when they invest their hard earned money in a new home. Mr. President and Members of the Senate, I ask for a division.

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

Mr. GRAHAM: Mr. President, I move we recede and concur.

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

Mr. CONLEY: Mr. President, because of the lateness of the hour in this session, it just seems strange to me that a bill such as this receives a unanimous committee report Ought to Pass. It seems even stranger to me that the organization named by the Senator from Kennebec, Senator Thomas, the Maine Home

Builders Association, has been up here working at least since the beginning of the week, up until yesterday, trying to corral people to override the Governor's veto on the Maine Housing Authority's 25 million dollar construction bill, and would now come in to oppose such a bill as this. They like to build homes, but apparently they don't want to live up to any minimal standard or provide any warranty.

I think that this bill is in the interest of particularly young people who are for the first time having their first home in their lives, and all this does is protect them relating to the construction of such a home, and I certainly feel the Senate should recede and concur.

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

Mr. MARCOTTE: Mr. President and Members of the Senate: I would oppose the motion to recede and concur, because while this bill has all the appearances of being consumer orientated, I think it would do just the opposite.

First of all, this bill, if passed, will definitely result in increased costs of construction. Again, this bill would hurt the small independent contractor because this guy can't be bonded. So I think the end result of this again would be adverse to consumer interests, and for that reason, I hope you would oppose the motion to recede and concur so that we can retain our previous posture.

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

Mr. MERRILL: Mr. President, I request when the vote is taken that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one fifth of those Senators present and voting. Will all those Senators in favor of a roll call 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 Hancock, Senator McNally.

Mr. McNALLY: Mr. President, are there any amendments added to this bill?

The SECRETARY: There are no amendments on the bill.

Mr. McNALLY: Mr. President and Members of the Senate: The trouble with this bill with the small builder is right in the statement of fact: "The warranty period will last 18 months". Now, everything that you buy, and it doesn't matter if you are the largest contractor in the world or not, is not guaranteed for more than one year, and that would really make all the buildings that have to be done by the smaller fellow cost a whole lot more because you get nothing that is guaranteed for 18 months.

The SECRETARY: I am sorry, I made a mistake. Committee Amendment "A" is on the bill. This is H-720.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Graham, that the Senate recede and concur with the House. A "Yes" vote will be in favor of receding and concurring with the House: a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Conley, Corson, Cummings, Curtis, Graham, Johnson, Merrill, Reeves, Speers, Thomas, Trozky.

NAYS: Senators Berry, R.

Carboineau, Cianchette, Clifford, Collins, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, Marcotte, McNally, O'Leary, Pray, Roberts, Wyman.

ABSENT: Senators Berry, E.; Danton.

A roll call was had. 11 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, on motion by Mr. Marcotte of York, the Senate voted to Adhere.

Non-concurrent Matter

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

In the Senate June 18, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-333).

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

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

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

On further motion by the same Senator, the Bill was Passed to be Engrossed in non-concurrence.

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

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 19, 1975, Passed to be Engrossed as Amended by Senate Amendments "A" (S-322) and "B" (S-340).

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

On motion by Mr. Corson of Somerset, the Senate voted to Recede and Concur.

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 Windham Historical Society for its Spirited Efforts in Rebuilding Babb's Covered Bridge, one of Maine's Historical Landmarks

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. 1744)

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 Paul McGillicuddy Named Houlton's Outstanding Citizen 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. 1745)

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 Nelson Wagner for his Yankee Ingenuity and Long Labor as Coordinator for the Rebuilding of Babb's Bridge

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. 1743)

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 Eloise Myers of Old Town Upon Her Retirement After 20 Years of Dedicated Service as an Educator at Old Town 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. 1742)

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 Charles R. LaRouche, Esq. and of His Retirement from the Office of the Attorney General of the State of Maine

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. 1740)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, Legislative Joint Standing and Select Committees are being asked to investigate many matters on behalf of the Legislature; and

WHEREAS, such investigations frequently require taking testimony from witnesses; and

WHEREAS, there is a need to develop uniform rules of procedure for conducting complex investigations in which a committee is delegated the power to subpoena witnesses; and

WHEREAS, witnesses called to testify in such investigations must be able to rely on certain procedures and rights in terms of their appearances before such committees; and

WHEREAS, such rules must be carefully considered in order that the best interests of legislative committees, and witnesses appearing before such committees will be served; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on State Government to study the establishment of uniform rules of procedure for legislative committees which have been delegated the subpoena power and uniform rights for witnesses required to testify before such committees; and be it further

ORDERED, that the Department of the Attorney General be respectfully requested to cooperate with the committee and provide such technical assistance as the committee deems necessary; and be it further

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

ORDERED, Upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1741)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Passage.

**Communications
STATE OF MAINE**

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

June 19, 1975

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

Dear Mr. Secretary:

The House today voted to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act Creating the Passamaquoddy Hydro-electric Tidal Power Authority" (S. P. 551) (L. D. 1916).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

STATE OF MAINE
Office of the Governor
Augusta, Maine
04330

June 18, 1975

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

In the past several years the State of Maine has made great progress in the area of snowmobile safety. Because of the dedication and good citizenship approach of thousands of snowmobile enthusiasts throughout the state, snowmobiling has become a winter sport which provides recreation for our citizens and our visitors as well as a contributing factor to our economy.

Because I feel strongly that this form of recreation and this industry must continue to maintain high safety standards, I am today returning L. D. 1030, An Act Concerning the Registration and Operation of Snowmobiles, to you without my signature and approval.

This legislation, in effect, would allow snowmobiles to be operated along the roadways of this state, a situation, I feel, that would create dangerous situations both for snowmobile operators and drivers of other vehicles on the roads. Many snowmobile owners and operators share my concern.

If this legislation affected only rural or remote areas of the state where there is little traffic on the roads then I might feel differently, but I am of the opinion that this law would create many problems in urban areas where traffic is heavy and where the number of snowmobiles is increasing annually.

Maine is fortunate to have open spaces where snowmobile operators can enjoy this form of recreation. I believe this sport can continue to be enjoyed by everyone without giving them access to the roadways.

I respectfully ask the Legislature to sustain this veto.

I do wish to commend the sincerity of purpose of this measure's sponsor, Representative James McBrearly. If this Bill had been written to affect Aroostook County alone, I would have had no hesitation in supporting it; however, as Governor of the entire state, I could not give the same endorsement.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor of Maine
(H. P. 1755)

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

Which was Read and Ordered Placed on File in concurrence.

The accompanying bill, "An Act Concerning the Registration and Operation of Snowmobiles" (H. P. 845) (L. D. 1030)

Comes from the House, with the following endorsement:

In the House June 19, 1975, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the Provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

100 voted in favor and 15 against, and accordingly, it was the vote of the House that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the House so voted.

Signed:

EDWIN H. PERT
Clerk of the House

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

On motion by Mrs. Cummings of Penobscot, tabled until later in today's session, pending Reconsideration.

**Committee Reports
House**

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act Relating to Valuation of Shares of Joint Owners of Property and to the Disposition of Joint Property on Death of a Joint Owner." (H. P. 2) (L. D. 7)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-811).

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

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. Under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed in concurrence.

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

The Committee on Marine Resources on, Bill, "An Act to Authorize the Board of Environmental Protection to Regulate the Anchorage of Tankers in Casco Bay." (H. P. 1700) (L. D. 1933)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-805).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" (H-805) Thereto.

Which report was Read.

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

Mr. BERRY: Mr. President and Members of the Senate; I move we accept the committee report, and I would like to explain a few things about the bill.

There is concern on the part of several different groups as to the desirability or lack of desirability of mooring tankers in

Maine coastal waters. This has been, of course, brought to a head by the proposal which has received considerable publicity lately of anchoring large sized oil tankers for which there is no need in Hussey Sound in Casco Bay. I think, however, the comments are applicable to Penobscot Bay and possibly in the future to the marine coastal waters of Maine in the Eastport area.

I think one of the groups may be properly identified as a group of folks who are just in objection to the visual pollution, as it were, of the tankers being anchored there for an indeterminate length of time their probable eventual rusty appearance, and their just lack of aesthetic appeal or, perhaps more directly, their aesthetic damage to the countryside and the seashore. I think these are valid considerations for this group.

There is another group that figures they may be polluters, and this group too has valid posture. These boats will have people on them for caretaking purposes, the equipment will have to be maintained, and there is a possibility of marine pollution arising from these activities. I think that it is the considered opinion of those knowledgeable in the area that our present environmental laws would take care of this concern.

A third group that is concerned is our Maine fishermen, who are quite concerned as to the effect on their activities of the storage for a long time of empty large sized tankers. Now, these tankers are 1,000 feet long and they are swinging on a good scope. They could easily have a diameter of their mooring area of half a mile, and if there are two or three groups of these located you can see that considerable of our bottom and our waters will certainly be taken out of the fishing industry. I think this again is a valid concern.

I believe the proposal is to tie three of these tankers together at a single mooring point so that there would be economy of housekeeping and one crew could look after the three vessels. There could well be some proper concern as to safety here. These items, I assume, are going to be empty, which means there will be high sides out of the water and they would present a tremendous surface area to wind. But I would assume the Coast Guard would be on top of something like this. We do get winds around Maine which could, in my opinion, drag such a moored flotilla.

There is a fourth group that I think is after a possible source of money here. I think they too have a good thought in mind. They are saying that if Maine is going to lend its water to the longterm storage of these huge vessels, should they not pay for the privilege of mooring or garaging in Maine waters? I don't think this is done in any punitive attempt. I think the thinking is, just simply put, that there should be a payment for the privilege of using the waters of Maine for these purposes. Personally, I think there are problems in trying to pursue this line of thought. These vessels are all registered, if they are American, and consequently I would think legally they are exempt from taxation as they are a federally registered piece of property; or they are foreign flag vessels and I am sure they can't be assessed as such for that purpose. Whether legally something could be worked out for renting storage space, I don't know. I doubt it very much because we certainly have got to pass legislation that is nondiscriminatory and could not be applied, say, to charging a lobsterman for mooring his vessel at an anchor in his own small harbor.

So these are some of the problems that have been attempted to be addressed by the bill. And I say "attempted" because you can imagine the complex problem. In being opposed to it, I so far have only heard from what I would call the chandlery and boatbuilding interests who are concerned that they wouldn't be able to store a boat for repair purposes or supply purposes, or inspection purposes or a boat stored after it has just been launched.

So, with all that verbiage, an amendment is being prepared which will take care of, at least in our opinion, the objections of the last named group, the people who do service these vessels and construct them. I would like to remove House Amendment "A", or at least that portion of House Amendment "A" which says that the Harbor commissioner shall also approve or be able to issue permits and control permits for this purpose. The language is in error. We have no such animal as a harbor commissioner. We have in some places a harbor master, and in some places we have a board of harbor commissioners.

The bill itself gives all supervision to the Department of Environmental Protection, which is where it belongs because this is a statewide operation.

So, Mr. President, I would move acceptance of the report and I would then, when we come to it, move indefinite postponement of House Amendment "A", and then would table the matter until the amendment is ready.

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

Mr. CIANCHETTE: Mr. President, I would like to personally thank the Senator from Cumberland, Senator Berry, for giving a very complete, I guess, explanation of a bill that comes before us so late in the session. And I agree certainly that there are many valid considerations being determined by this legislation.

I have strong reservations about passing a bill like this. We are getting into a whole new area, especially for the Department of Environmental Protection. They have quite a load, as I am sure we are all aware now, and we have heard in this body many times this session "Give the DEP the summer and let them see if they can't work out some of their problems." We have generally gone along with that in this session, and we are working with the DEP and we are trying to see if they can't handle some of the vast workload that they have before them. I hope that they can do that, and I want to encourage them to do that. I don't think we are going to be helping the situation one bit by giving them a whole new area of concern.

You know, also could be concerned about, what is it, the C5A transport, is it, one of those big transport airplanes they are building now that they are having troubles with in their doors flying open. We could very well give the DEP, if we want to carry this argument just a little further, our very strong concerns about having one of those airplanes flying over the State of Maine. I am sure we could voice our objections to these things and try to interfere with the FAA's province to protect the State of Maine. We could do that through the DEP. I am sure we are not going to do that, I am sure that I wouldn't suggest we do anything like that, but this bill is leading toward that. I say the DEP is loaded heavily enough.

We have a piece of legislation before us

that comes to us late. I am concerned that we have not had a chance to understand all the ramifications of getting involved in something like this. I understand all the considerations that we have heard and all the considerations that are in the bill are already being handled by the U.S. Coast Guard. I think it is their domain and I believe they have the responsibility, and I would hope that they would continue their responsibility and live up to their responsibility to protect the State of Maine as they are supposed to do.

I didn't quite understand about paying for storage in the harbor. That may be a good idea. Certainly I don't think we want to get the DEP involved in charging fees. I am sure they don't need that extra load.

Mr. President, I think that this bill should have more time, more input, we should further understand the ramifications that may come out of a piece of legislation like this, and make sure that the bill is properly drafted. I don't think in this session there is going to be time enough to do that, and for that reason, Mr. President, I will ask for indefinite postponement of this bill and all accompanying papers.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would just like to take the opposite viewpoint of my fellow colleague, the good Senator from Somerset, Senator Cianchette. Some of us representing Cumberland County, and particularly in the area of Casco Bay, have talked over this bill at great length, and I could recognize the fact that there is concern with particularly the business industry that supplies and does a great deal of business with these tankers and other seafaring vessels that come into our port, and they were greatly concerned with the admittance of this bill. But I think what most of us are concerned with in that area is the fact that it is going to become sort of a junkyard; that is, Hussey Sound, a junkyard for tankers that were either loaded or emptied and were going to use Hussey Sound as sort of a dumping ground for them to keep these ships in storage and await orders.

Primarily, what I want to say is that the businessmen down there, with the amendment that the good Senator from Cumberland, Senator Berry, wishes to offer, it is in compliance with all the fears that they have. So I would ask the Senate to vote against the motion to indefinitely postpone and to accept the unanimous committee report.

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

Mr. COLLINS: Mr. President, I live in a city on the coast where there is a strong Coast Guard base, and I have from time to time occasion to deal with the United States Coast Guard in matters relating to vessels. It seems to me that this is an area of regulation that ought not to become too greatly confused in jurisdiction and responsibility. I am concerned that this bill would cause that kind of confusion.

I have reviewed the requirements that the United States Coast Guard has with respect to the possibility of tanker lay-ups. They have a rather lengthy set of criteria that they apply. I will not try to rehearse it to you, but I think you know from my voting in this body that I have great concern for the environmental safety of our waters, our bays. I think we must remember that Casco Bay has a considerable volume of oil traffic at the

present time and will continue to have, as far as we know. The expertise in the handling of tankers is largely located in the Coast Guard people in the Casco Bay area, and I feel that we ought to concentrate our watch dog care by attention to the United States Coast Guard in that area.

I think it is a mistake to bring in the Board of Environmental Protection, which has no seagoing craft, very few people trained in marine work of that type, although they do have one ex-Coast Guard man, I think, on their staff, and I think we would be making a mistake to confuse the responsibilities in this area.

I am sure that if there should be abuse of tanker storage in that area, that the pressures we could bring to bear through our Congressmen and United States Senators would be more than adequate to cause the Coast Guard to regulate that matter sufficiently.

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

Mr. BERRY: Mr. President and Members of the Senate: The concerns of Senator Collins of Knox, of course, are quite well taken, and the committee considered these very carefully at the hearing it had on the bill last Monday. I would assure the Senator that the Coast Guard regulations in no way are being contravened or duplicated by this bill and that the safeguards provided by the bill here are in addition to those of the Coast Guard, and there will be absolutely no overlapping or duplications, I say, of their concern.

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

Mr. MERRILL: Mr. President and Members of the Senate: As one of the Cumberland County Senators in this body, I would just like to say that I would hope the Senate would allow this motion of Senator Berry to ultimately prevail and to accept the Ought to Pass Report so we can look at his amendment and give it some consideration before we turn this matter down.

We have several or many important interests to protect in Casco Bay that are important to us. Many different business interests that are important to us could be affected in different ways. And of course, it is nothing new for the state or for its offspring, the cities, to be concerned with the regulation of traffic in and out of the harbors and its activity around that activity. So I would hope that we could just move on and accept the Ought to Pass Report, and then take a look at the amendment that is going to be offered by my colleague, the Senator from Cumberland, Senator Berry, and at that time make a determination as to whether or not this legislation will serve those interests best.

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

Mr. CIANCHETTE: Mr. President, when the vote is taken I would request a division.

The PRESIDENT: A division has been requested. Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Somerset, Senator Cianchette, that L. D. 1933 and all accompanying papers be indefinitely postponed. Will all those Senators in favor of indefinite postponement please rise in their places until counted.

A division was had, 19 having voted in the affirmative, and 10 having voted in the negative, the Bill was indefinitely postponed in non-concurrence.

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

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

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

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

Sent down for concurrence.

Enactors

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

An Act Relating to Contracts of Teachers and Municipalities. (H. P. 1033) (L. D. 1339)

Which 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

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

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

Tabled — June 19, 1975 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 until later in today's session, pending Passage to be Engrossed.

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

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

Tabled — June 19, 1975 by Senator Speers of Kennebec.

Pending — Enactment.

(In the House — Passed to be Enacted.)

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

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

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

Tabled — earlier in today's session by Mrs. Cummings of Penobscot.

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 Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: In reading over the

Governor's message as to why he vetoed this piece of legislation, I would like to share again a few thoughts on my own interpretations of the bill as I read it.

First of all, I would like to take out of our present statutes the snowmobile law as it now is under section 1977: "Crossing ways. Properly registered snowmobiles may cross as directly as possible public ways, including sidewalks, bridges, culverts, underpasses, overpasses, provided that such crossings can be made in a safe fashion." It continues in section 3 of that same subsection that an individual can cross bridges, culverts, overpasses and underpasses if the snowmobile is brought to a complete stop before entering said way and the operator yields the right-of-way to all vehicular traffic and he operates at the extreme right of the main traveled portion. That is the present law which allows snowmobiles on the highways to cross bridges and culverts, and it does say as directly as possible.

In reading the engrossed copy of L. D. 1030, that same section, properly registered snowmobiles may operate on a public way only the distance necessary, but in no case to exceed 300 yards. Well, this seems to be what the problem is that we have, that the Governor feels as if this is going to open up a safety hazard on our highways and it is going to allow snowmobiles the right to operate on roadways. I feel as if, as has been quoted by some of the letters here that I have from different department heads, that they sent letters to the Governor saying that there had been a misunderstanding on what this does and that the misunderstanding did strengthen the law that we now have by putting on a limitation. The bill says, as I just said, only the distance necessary for the purpose of crossing as directly as possible.

As we have it now in the law that I first read to you out of the book, there is no limitation on it as to what distance the individual can go down the highway. This bill that has had a lot of hard work on it by both the sponsor and the committee, and we have gone around it two or three times in this chamber, I would just like to share with you a few letters that I have that were sent to the Governor. Here is one from the Attorney General's Office, and I will just quote part of it. I stated that L. D. 1030 makes Maine law more specific to the extent present law contains no limitations as to the maximum distance a person may operate a snowmobile on a portion of the public way. Subsection 1917 permits a person to operate a snowmobile along the right-of-way when crossing public ways, sidewalk, bridges, culverts, underpasses and overpasses. Present law only specifies that a person may operate the snowmobile along the public way for the purpose of crossing as directly as possible. There is no definition, and the Attorney General's Office feels that there is a discrepancy in the interpretation as to what the distance is when they say as directly as possible.

And I feel that this bill, receiving the support of the Attorney General's Office, the Department of Transportation, the Maine State Police, not just once, not just on the request of the sponsor, but on the request of the Governor himself, the Commissioner of Inland Fish and Game, have all said that this piece of legislation is going to make the law more enforceable, it is going to define the law, so that the problems that the court systems have had in the interpretation of this, the problems that the law enforcement officer has had on what is the distance necessary, you

know, there has got to be a limitation somewhere.

In conversation with one judge in this state, he said that this problem comes up in his court on a number of occasions and a number of times, and there is no way that he could rule on it but let it go. If an individual is going down the road and there is no limitation requirements, and it is up to the court to decide between the enforcement officer and the individual who said he was doing it as directly as possible, it is just too much of a problem on the court system and the majority of the cases are being thrown out because the judge himself sitting in the chamber cannot make the decision as to the day that that individual was picked up for crossing the road or roadrunning, as they call it.

I think we would be doing a grave injustice to the snowmobilers of this state and to the law enforcement officers of this state that enforce these statutes if we did not override the veto today. And I would ask all of you here to vote along with me and override this veto.

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

Mr. WYMAN: Mr. President and Members of the Senate: I was out and did not hear the first part of Senator Pray's speech, but I do agree with what he says. And I think he may have quoted this, but the Attorney General says that this would make it more specific to the extent that the present law contains no limitations as to the maximum distance a person may operate a snowmobile on a portion of a public way. Furthermore, he says the present law is unconstitutional and this would correct that defect. So I certainly hope that we vote to override this veto.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is: Shall this bill become a law notwithstanding the objections of the Governor? 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.

ROLL CALL

YEAS: Senators Berry, R.; Carbonneau, Cianchette, Clifford, Conley, Corson, Cyr, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Marcotte, McNally, Merrill, O'Leary, Pray, Roberts, Wyman.

NAYS: Senators Collins, Curtis, Katz, Reeves, Speers, Thomas, Trozky.

ABSENT: Senators Berry, E.; Cummings, Danton.

A roll call was had. 22 Senators having voted in the affirmative, and seven Senators having voted in the negative, with three Senators being absent, and 22 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 and was by the Secretary presented to the Secretary of State.

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

Joint Order — (H. P. 1741)

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

Pending — Passage.

Thereupon, on further motion by the same Senator, retabled pending, Passage.

On motion by Mrs. Cummings of Penobscot,

Recessed until 2:00 this afternoon.

After Recess

Called to order by the President.

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

Joint Order — Relative to Members of the Senate and House attending National Legislative Conference. (S. P. 591)

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

Pending — Motion of Senator Berry of Cumberland to Recede.

(In the Senate — Read and Passed.)

(In the House — Read and Passed as Amended by House Amendment "B" (H-808), in non-concurrence.)

Thereupon, the Senate voted to Recede.

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

Mr. KATZ: Mr. President, the Senate Amendment which I am offering addresses itself to the representation from the Senate. Instead of increasing the House representation it decreases the Senate representation and accomplishes a greater balance.

I offer Senate Amendment "A", under Filing S-348, and moved its adoption.

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

Senate Amendment "A", Filing No. S-348, was Read.

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

Mr. BERRY: Mr. President, I must rise to congratulate the Senator from Kennebec, Senator Katz. He has proven himself, as usual, a good statesman, an individual who can bring order out of chaos, and above all he has paid tribute to the time honored understanding and tradition that it takes a lot more people from the House to equal the same number of people in the Senate.

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

Senate Amendment "A" was Adopted. House Amendment "B", Filing No. H-808, was Read.

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

Mr. KATZ: Mr. President, that is exactly my purpose, to dispose of House Amendment "B". I move indefinite postponement.

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

Thereupon, House Amendment "B" was Indefinitely Postponed and the Joint Order, as Amended, received Passage in non-concurrence.

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

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

Bill, "An Act 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 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) (Emergency)

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

Pending — Enactment.

(In the House — Passed to be Enacted.)

On motion by Mr. Curtis of Penobscot, retabled and Tomorrow Assigned, pending Enactment.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Katz of Kennebec,

WHEREAS, traditional educational approaches have failed to deal adequately with various forms of socially disruptive and self-destructive behavior among youth, such as alcohol and drug abuse truancy, vandalism and dropping out of school; and

WHEREAS, there exists concern among Maine residents regarding the social, family, vocational and other problems which often result from these forms of behavior; and

WHEREAS, L. D.'s 1081, 1609 and 1702, presented before the Joint Standing Committee on Education during the 107th Legislature, have proposed school-based programs to deal with many of these problems; and

WHEREAS, while each of these bills provides an approach for attacking such behavioral and social problems, there exists uncertainty as to what kind of approach is most appropriate; and

WHEREAS, legislative action on these bills will have a direct impact on the welfare of many Maine citizens and, in particular, on the welfare of many youth; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council, be authorized through the Joint Standing Committee on Education, to study the need for school-based programs which provide approaches for the understanding and prevention of socially disruptive and self-destructive behavior of youth; and to work with the sponsors of the legislation under consideration to take full advantage of their special knowledge and expertise; and be it further

ORDERED, that in conducting its study the Council shall determine which social, family, vocational or other problems are priority areas of concern; examine existing school-based programs attacking such problems both in this State and beyond in order to ascertain which approaches have been the most effective; and present alternatives, regarding approaches and types of programs, which will be the most likely to provide appropriate solutions to such problems; and be it further

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

ORDERED, Upon passage in concurrence, that suitable copies of this order be transmitted forthwith to said

agencies as notice of this directive. (S. P. 600)

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

Papers from the House

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

Enactor House

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

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)

Mr. Carbonneau of Androscoggin moved that the Bill be tabled and Tomorrow Assigned; pending Enactment.

On motion by Mr. Speers of Kennebec, a division was had. Nine having voted in the affirmative, and 15 having voted in the negative, the motion did not prevail.

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

Mr. SPEERS: Mr. President and Members of the Senate: So that there may be no misunderstanding regarding the motion that has just been defeated, I understand that the good Senator from Androscoggin quite properly wished to make this motion because the good Senator from York, Senator Danton, is not present at this time. If I understand his purpose correctly, I would think that that would be the reason, but it is my understanding that the good Senator from York, Senator Danton, has asked to have his vote paired when the vote is taken on this matter, and is in that manner to be recorded on this matter. Therefore, it would not be necessary for him actually to be here to vote on it.

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

Mr. CARBONNEAU: Mr. President, there is also another man I tried to find this morning who is absent today, and that is Senator Berry. I haven't been able to reach him because he is in Portland somewhere, and that is why I asked for the tabling motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the enactment of L. D. 1691.

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

Mr. O'LEARY: Mr. President, I would ask for a roll call.

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request leave of the Senate to pair my vote with the Senator from York, Senator Danton. If he were present, he would be voting against enactment of this bill, and I would be voting for enactment.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests leave of the Senate to pair his vote with the Senator from York, Senator Danton, who, if he were here, would be voting against

enactment, and the Senator from Cumberland, Senator Conley, will be voting in favor of enactment. Is it the pleasure of the Senate to grant this leave?

It is a vote.
A roll call has been ordered. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Cianchette, Collins, Corson, Cummings, Curtis, Gahagan, Greeley, Huber, Jackson, Johnston, Katz, McNally, Merrill, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, R.; Carbonneau, Clifford, Cyr, Graffam, Graham, Hichens, Marcotte, O'Leary, Pray, Reeves.

ABSENT: Senator Berry, E.

PAIRED—Conley, Danton.

A roll call was had. 18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with two Senators pairing their votes and one being absent, 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 Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, having voted on the prevailing side, now moves that the Senate reconsider its action whereby this bill was passed to be enacted. 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.

Papers from the House

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

Non-concurrent Matter

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

In the House April 2, 1975, Passed to be Enacted.

In the Senate June 19, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-344), in non-concurrence.

Comes from the House, that Body having Insisted.

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

Non-concurrent Matter

Bill, "An Act to Reform the State Retirement System." (H. P. 1725) (L. D. 1939)

In the House June 19, 1975, Passed to be Engrossed as Amended by House Amendments "A" (H-787) "D" (H-795) and "E" (H-797).

In the Senate June 19, 1975, Passed to be Engrossed as Amended by House Amendments "D" and "E" and Senate Amendment "A" (S-346), in non-concurrence.

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

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

The President appointed the following Conferees on the part of the Senate:

Senators:
COLLINS of Knox
CLIFFORD of Androscoggin
O'LEARY of Oxford

Joint Orders

WHEREAS, under present statutes, a homeowner can hire a contractor to build or remodel his home with the contractor supplying the materials and labor; and

WHEREAS, even though the homeowner may have paid the contractor the full amount due and have received a paid-in-full bill from the contractor, if for any reason the contractor has not paid his supplier or subcontractor for the materials or labor used on the property, the supplier or contractor can claim a lien on that property; and

WHEREAS, in this situation, the homeowner may have to pay a second time for that material or labor in order to obtain a discharge from the lien; and

WHEREAS, such a situation represents a serious threat to the security and well-being of unsuspecting Maine homeowners; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Judiciary, to study the provisions of the Revised Statutes, Title 10, chapter 603 and the various procedures utilized pursuant thereto and determine methods for better protecting the unsuspecting homeowner from the situation which may occur under the present law whereby he could have to pay twice for materials and labor involved in the construction or remodeling of his home; 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. 1752)

Comes from the House, Read and Passed.

Which was Read:
Thereupon, on motion by Mr. Speers of Kennebec, tabled pending Passage.

WHEREAS, the Joint Standing Committee on Human Resources has heard numerous bills relating to the rights of patients and inmates in the whole range of state institutions; and

WHEREAS, a series of federal court cases within the last year have significantly altered the requirements to be met by institutions in providing treatment, guaranteeing due process in administrative decisions and in establishing and carrying out disciplinary procedures; and

WHEREAS, these changes have important implications for existing policies governing the rights of Maine patients and inmates; and

WHEREAS, in addition, major policies for reducing the patient and inmate population may be affected by these changes; and

WHEREAS, no comprehensive review by the Legislature of existing policies within the institutions has been carried out in the wake of these decisions; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council, through the Joint Standing Committee on Human Resources, be authorized to critically examine existing policies relating to patient and inmate rights within state institutions and to thoroughly evaluate these policies in the light of the most recent

requirements suggested by federal court decisions; 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. 1750)

Comes from the House, Read and Passed.

Which was Read.

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

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 Mike Niemi of South Paris a Junior of Oxford Hills High School in Winning the Maine Junior Golf Tournament for 1975 Held on June 12th at the Fairlawn Golf and Country Club

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. 1754)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Sharon Barstow of Norridgewock Selected as an Outstanding Elementary Teacher of America

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. 1756)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the J. Arthur Stowell Unit American Legion

Auxiliary of Freeport Awarded the American Legion's Distinguished Service Award for Children and Youth Activity

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. 1757)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Lula Southard of Bradford Upon Her Retirement After 36 Years of Dedicated Service as an Educator for Bradford and Old Town

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. 1749)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Dr. Donald F. Ellis of Houlton Named by the Maine Optometric Association as Maine's First Optometrist of the Year

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. 1753)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Resolution
STATE OF MAINE

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

Joint Resolution Concerning the Setting of Tax Rate and the Sending out of Tax Bills for York County

WHEREAS, under Title 30, Article V, of

the Maine Revised Statutes, the Legislature must approve the budget of each county in the State; and

WHEREAS, the regular session of the 107th Legislature has, acting pursuant to this statute, approved proposed county budgets for the 1975 to 1977 biennium; and

WHEREAS, the commissioners of York County have received the county budget for York County as approved and now must set the necessary tax rates and send out tax bills for York County; and

WHEREAS, any delay in setting these tax rates and in sending out these tax bills means additional costs to the towns of York County; and

WHEREAS, the commissioners of York County have not yet sent to each town in that county their apportionment and have indicated that they may refuse to consider the budget as approved by the Legislature; now, therefore, be it

RESOLVED: the Senate concurring, that the Office of the Attorney General is respectfully requested and urged to investigate the legality of, and possible penalties for, the refusal by the commissioners of a county to set tax rates and to send out tax bills under a budget approved by the Legislature; and be it further

RESOLVED: that the Office of Attorney General is respectfully requested and urged to report its findings to the regular session of the 107th Legislature before its adjournment. (H. P. 1748)

Comes from the House, Read and Adopted.

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: I must say that in reading through this joint resolution I have never seen anything like this come across my desk. I was wondering if someone could explain the need, desirability, legality, and so forth of this joint resolution.

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

Mr. HICHENS: Mr. President, I don't know if I can answer all of the questions the good Senator from Cumberland, Senator Berry, has in his mind, but the legislative delegation from York County several weeks ago approved a budget for York County, and for some reason or other the York County Commissioners haven't gone along and broken up that budget as far as the towns are concerned. And several of the towns are in a quandary now as just how to set up their own budgets because they haven't any idea as to what their proportion is from the county that is required. So I think that is why this order was presented in the shape and manner it was today.

The PRESIDENT: Is it now the pleasure of the Senate that this joint resolution be adopted in concurrence?

It is a vote.

Communications
STATE OF MAINE

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

June 20, 1975

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

The Chair appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Dredging, Filling or Otherwise Altering Coastal Wetlands" (H. P. 590) (L. D. 730):

Representatives:

WILFONG of Stow
DOAK of Rangeley
MORTON of Farmington

The Chair also appointed the following conferees to the Committee of Conference on Bill "An Act to Allow Municipal Approval of Routine Great Ponds Permits" (H. P. 662) (L. D. 836):

Representatives:

WILFONG of Stow
DOAK of Rangeley
MORTON of Farmington

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Huber of Cumberland, ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1976 and June 30, 1977. (S. P. 601)

Which was Read and Passed.
Sent down for concurrence.

**Committee Reports
House**

Ought to Pass — As Amended

The Committee on Local and County Government on, Bill, "An Act to Require Notification of Assistance to Indigent Persons." (H. P. 699) (L. D. 875)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-389).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "B" (H-810) Thereto.

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

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

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

Divided Report

Six members of the Committee on Energy on, Bill, "An Act to Create the Passamaquoddy Tidal Power Project Study Commission." (H. P. 1343) (L. D. 1668)

Report in Report "A" that the same Ought to Pass.

Signed:

Senator:

ROBERTS of York

Representatives:

DURGIN of Kittery
JACKSON of Yarmouth
FARLEY of Biddeford

GREENLAW of Stonington
CONNOLLY of Portland

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

Signed:

Senator:

CIANCHETTE of Somerset

Representatives:

TORREY of Poland
DAVIES of Orono
KELLEHER of Bangor
BENNETT of Caribou
BYERS of Newcastle

Comes from the House, Report "A" Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

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

Mr. TROTZKY: Mr. President, I move the Senate accept the Ought Not to Pass Report of the Committee, and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. TROTZKY: Mr. President and Members of the Senate: In reading over this bill, this bill sets up a commission to study cooperation between the United States and Canada towards a tidal power project, study the attitude and interests of labor, education, industry, environmental interests, and so on. It requires an appropriation of \$25,000 and asks the commission to report back to the 109th Legislature. I don't see what this commission is really doing to accomplish to report back in three years as to what their findings are.

We do have another bill that we have passed, called An Act to Establish the Maine Canadian Exchange Advisory Commission and Office, L. D. 903, which was enacted into law, which I believe could do the same thing, so I really don't see the need for this expenditure.

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

Mr. CURTIS: Mr. President and Members of the Senate: I think what the gentleman from Penobscot just said is correct, that L. D. 903, creating the Maine Canadian Exchange Advisory Commission and the Office, provides some specific language which would seem to be appropriate in the situation in which Maine would like to cooperate with the Province of New Brunswick. In particular, I would like to point out section 6005 of that bill refers to strengthening regional cooperation and determining new areas for fruitful regional cooperation. I would think that this is a very appropriate area for this new commission when it starts to function to take some interest and action in.

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

Mr. ROBERTS: Mr. President, I just want to mention that this was a bill which was heard by the Energy Committee. At the hearing, which was well attended, there were no opponents and everyone who appeared at the hearing was in favor of the bill. As a result, you can see from here that the committee was split evenly, with the exception of one member who abstained from voting. I would hope that we would have a division.

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

Mr. WYMAN: Mr. President and Members of the Senate: The bill, which the

good Senator from Penobscot, Senator Curtis, mentioned, is one step in the right direction, but I think energy is one of our most important problems. I think the tides flow and ebb every day in Passamaquoddy Bay, and I think we should take some move in that direction. I think this is the only vehicle left, and I certainly hope the Senate will approve this commission.

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

Mr. MERRILL: Mr. President, I don't know too much about the affairs of Passamaquoddy Bay, but with the precedent that was set this morning, I think that I will have to vote to kill this bill.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I have no strong feelings on this bill. I would just like to say why I signed the Ought Not to Pass Report of the Committee.

My biggest reason was the testimony given before the committee by a former member of this body, Mr. Beckett. He impressed me by his statement saying that if you would like a study on the tidal power project for a lot less than \$25,000, we will hire a truck, go down to Washington and bring back a whole truckload of studies. That impressed me, and for that reason, I didn't think we needed to spend the \$25,000.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate accept Report "B", the Ought Not to Pass Report.

A division has been requested. Will all those Senators in favor of accepting Report "B", Ought Not to Pass, please rise in their places until counted.

A division was had. 22 having voted in the affirmative, and seven having voted in the negative, the Ought Not to Pass Report "B" of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Senate

Committee of Conference Report

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

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; adopt Conference Committee Amendment "A" (S-347), submitted herewith; and Pass the Bill to be Engrossed, as amended by Senate Amendment "A" (S-252) and 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 Senate Amendment "A", as amended by House Amendment "A" (H-721) thereto; recede from its action whereby it adopted House Amendment "A" to Senate Amendment "A" and indefinitely postpone same; adopt Senate Amendment "A"; adopt Conference Committee Amendment "A", submitted herewith; and Pass the Bill to be Engrossed, as amended by Senate Amendment "A" and Conference Committee Amendment "A", in concurrence.

On the part of the Senate:

THOMAS of Kennebec
REEVES of Kennebec
WYMAN of Washington

On the part of the House:

KELLEHER of Bangor
FLANAGAN of Portland

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

Enactors

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

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

An Act Amending Laws Relating to Hospitalization of the Mentally Ill. (S. P. 368) (L. D. 1204)

An Act to Clarify the State Tax Assessor's Authority to Delegate Duties. (H. P. 110) (L. D. 156)

An Act to Provide Consumer Representation on the Board of Commissioners of the Profession of Pharmacy. (H. P. 429) (L. D. 523)

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)

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)

An Act to Aid Small Municipalities to Comply with Statutes Concerning the Protection and Improvement of Air. (H. P. 1191) (L. D. 1487)

An Act to Limit Abuse of the Unemployment Insurance Fund and to Increase Unemployment Benefits. (H. P. 1230) (L. D. 1537)

An Act to Create a Central Professional and Occupational Licensing Bureau in the Department of Business Regulation. (H. P. 1424) (L. D. 1816)

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

Emergencies

An Act Relating to the Disposal of Certain Personal Property by Law Enforcement Agencies. (H. P. 769) (L. D. 940)

An Act Concerning Continuing Jurisdiction over Juvenile Offenses. (H. P. 939) (L. D. 1190)

These being emergency measures and having received the affirmative votes of 27 members of the Senate were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act Pertaining to the Disposition of the Facilities of the Women's Correctional Center at Skowhegan. (H. P. 1441) (L. D. 1745)

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

Senate Papers Joint Resolution

Out of order and under suspension of the rules, Mr. Cyr of Aroostook presented the following Joint Resolution and moved its Adoption:

STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of Adrian Jacques of Fort Kent who Dedicated His Life to the Service of the People of Northern Aroostook County

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. 602)

Which was Read and Adopted.
Sent down for concurrence.

Reconsidered Matter

The following Bill was held at the request of Senator Speers of Kennebec, pending Consideration:

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

Mr. Speers of Kennebec then moved that under suspension of the rules the Senate reconsider its former action whereby the Bill was Passed to be Enacted.

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

Mr. CONLEY: Mr. President, I would request for what purpose the majority floor leader wishes to suspend the rules?

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Speers of Kennebec to Reconsider Enactment.

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

Joint Order — Relative to Legislative Council being authorized through Committee on Natural Resources to study the matter of solid waste problems of this State. (S. P. 538)

Tabled — May 27, 1975 by Senator Speers of Kennebec.

Pending — Passage.

Mr. Gahagan, of Aroostook then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-342, was Read and Adopted.

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

On motion by Mrs. Cummings of Penobscot,

Adjourned until Monday, June 23, 1975 at 4:00 in the afternoon.