

# 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

Tuesday, June 24, 1975

Senate called to order by the President.

Prayer by Father Hilary Cameron of St. Joseph's Church, North Whitefield:

Let us pray. Heavenly Father, we ask that you send your blessings upon the Senate gathered here in their final days. Grant them your choicest blessings, guiding them, helping them to work in harmony and peace for the fulfillment of their duties in the service of all the citizens of this state. Grant them wisdom and courage in preparing and establishing the legislative duties and obligations to our citizens. Grant that they may be able to work together, overcoming political prejudices and attitudes, in order that all citizens of our state may be better served. We ask you to bless them generously in their personal lives, that they may continue to live full, prosperous and happy lives in your name. We ask you this through Jesus Christ, your Son, our Lord. Amen.

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 House June 19, 1975, Read and Passed as Amended by House Amendment "B" (H-808), in non-concurrence.

In the Senate June 20, 1975, Read and Passed as Amended by Senate Amendment "A" (S-348), in non-concurrence.

Comes from the House, that Body having Adhered.

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

Mr. KATZ: Mr. President and Members of the Senate: When this order originated in this body, it involved twelve people from the legislature attending this national conference. Subsequently, by House Amendment it was increased to 17. You will recall that the Senate, in order to create a differential between the two bodies, amended it down to ten. The non-concurrent matter before us now pegs it at 17 or else, and I am at a loss to know anything that the Senate can do other than to say we will not support that great number of people traveling out of state in this particular time with our budgetary problems. Therefore, I move to adhere.

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

The motion prevailed.

## Non-concurrent Matter

Bill, "An Act to Create the Passamaquoddy Tidal Power Project Study Commission." (H. P. 1343) (L. D. 1668)

In the House June 20, 1975, Report "A" Read and Accepted and the Bill Passed to be Engrossed.

In the Senate June 20, 1975, Report "B" Ought Not to Pass Read and Accepted, in non-concurrence.

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

Mr. Corson of Somerset moved that the Senate Adhere.

Mr. Wyman of Washington then moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. CIANCHETTE: Mr. President, I would like to pose a question through the Chair to the Senator from Washington, Senator Wyman, if he would care to answer. What would he expect could be accomplished out of a committee of conference.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, has posed 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 and Members of the Senate: It would be my hope that we could do something with this bill, because as the good Senator from Somerset, Senator Cianchette, said yesterday, there has been a carload of reports on this and there aren't any of them that are updated. This matter of tidal energy is something as of this date, I think, that is concerned also with prices we are paying for oil. When these reports were made, we were paying maybe five dollars a barrel for oil, and heaven knows what now, maybe twelve or fifteen dollars. I think all these reports are old, and I would like to see a new study because I think this matter of energy is a very serious problem. I do wish that somehow something might come out of this if we have a committee of conference.

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

Mr. TROTZKY: Mr. President and Members of the Senate: What this bill calls for is a commission to look into the possible cooperation between the United States and Canada. It also calls for an appropriation of \$25,000. We have already passed a bill, L. D. 1903, An Act to Establish the Maine Canadian Exchange Advisory Commission Office, and this bill states specifically in it that this office of Maine-Canadian affairs is to determine new areas for cooperation, such as the potential for economic growth, improved natural resource utilization, management enhancement of the environment. So I feel that this office could do the same work that this commission could do without the appropriation.

Also, any real study of Passamaquoddy is not going to require \$25,000; it is going to require millions and millions of dollars. So I will vote against the motion to insist and join in a committee of conference.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Washington, Senator Wyman, that the Senate insist and join in a committee of conference with the House.

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

A division was had. 11 having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

## Joint Orders

WHEREAS, legislation has been before the 106th and 107th Legislatures dealing with the subject of motor vehicle auto insurance reform; and

WHEREAS, a component facet of said legislation has been a proposal to eliminate duplicate medical and hospital insurance coverage as provided by auto

insurance policies and health insurance policies; and

WHEREAS, an independent actuarial study commissioned by the 106th Maine Legislature reported that auto insurance premium costs to the people of Maine would be reduced if duplicate health coverage were eliminated; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Business Legislation, to study methods of eliminating duplicate coverage between auto insurers and health insurers in such a manner as to achieve maximum cost savings to the people of Maine; 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. 1767)

Comes from the House, Read and Passed.

Which was Read.

Thereupon, on motion by Mrs. Cummings of Penobscot, 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 Miss Corinne E. Savage Upon Her Retirement After 26 Years of Dedicated Service as the Postmaster of Sabattus

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. 1769)

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 Woodrow A. Mercier of East Millinocket upon His Retirement After 32 Years of Dedicated Public Service as an Educator Which Included 21 Years as a School Superintendent

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. 1768)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

WHEREAS, numerous complaints have been made and numerous questions and problems presently exist relative to the relationship between Maine landlords and tenants, including but not limited to their respective duties and rights, the handling of security deposits and the provisions of the Maine laws concerning eviction by forcible entry and detainer; and

WHEREAS, it is therefore necessary to thoroughly study the Maine laws relating to the relationship between Maine landlords and tenants; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Judiciary to study the Maine Statutes and the practices thereunder concerning the relationship between Maine landlords and tenants, including but not limited to their respective duties and rights, the handling of security deposits and the provisions of the Maine laws concerning eviction by forcible entry and detainer; 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. 1763)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mrs. Cummings of Penobscot, tabled pending Passage.

WHEREAS, there appear to be numerous provisions of the Maine laws which are currently in violation of the 14th Amendment of the Constitution of the United States, Title VII of the United States Civil Rights Act of 1964, as these laws have been interpreted by the courts or decisions of the Equal Employment Opportunity Commission; and

WHEREAS, it therefore is necessary to thoroughly study the Maine laws to identify the provisions which are presently in violation as aforesaid; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Judiciary, to study the Maine Revised Statutes to determine which of the provisions thereof are currently in violation of the 14th Amendment of the Constitution of the United States, Title VII of the United States Civil Rights Act of 1964, as these laws have been interpreted by the courts, or decisions of the Equal Employment Opportunity Commission; 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. 1765)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mrs. Cummings of Penobscot, tabled pending Passage.

WHEREAS, construction costs for state, county and municipal buildings currently range up to \$60 per square foot; and

WHEREAS, in many cases, construction costs could be reduced by a system of open competitive bidding handled by a professional services evaluation board; and

WHEREAS, this competitive bidding would result in a savings in construction costs to the state, counties and municipalities of millions of dollars annually; and

WHEREAS, Legislative Document 1770, "An Act Relating to State, County and Municipal Procurement of Engineering, Architectural and Construction Consultant Services," introduced in the regular session of the 107th Legislature, contained one method of establishing a system of open competitive bidding for construction services to the State, counties and municipalities; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council, through the Joint Standing Committee on Appropriations, be authorized to study methods of awarding state, county and municipal construction services contracts, with special reference to the methods proposed by L. D. 1770, in order to determine an effective, open and fair method of awarding contracts for such services while not impinging on the home rule provision of the Maine constitution; 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. 1766)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mrs. Cummings of Penobscot, tabled pending Passage.

WHEREAS, existing statutes prohibit the advertisement of the sale of eyeglasses and related optical devices and materials; and

WHEREAS, this prohibition has been maintained principally because of the wide variation which is said to exist in the quality of services and materials provided by the eye care industry; and

WHEREAS, opticians constitute a significant segment of the eye care industry and are presently not subject to licensing standards comparable to other parts of the industry; and

WHEREAS, the variation in the quality of services and materials may be linked to the absence of common standards for the entire industry; and

WHEREAS, the establishment of common standards for services and materials in the eye care industry may eliminate the need for the prohibition on advertising; and

WHEREAS, prohibitions on advertising

are, in general, not in the public interest; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council, through the Joint Standing Committee on Health and Institutional Services be authorized to study the current standards for services and materials in the eye care industry and to evaluate the need for any additional licensing requirements; 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. 1764)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mrs. Cummings of Penobscot, tabled, pending Passage.

#### Joint Resolution STATE OF MAINE

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

#### IN MEMORIAM

Having Learned of the Death of Edward G. Hough of Portland, Maine

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. (H. P. 1770)

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: The passing of Ed Hough certainly is an occasion that brings sadness to many of us who knew him through the years. Ed was the victim of a long terminal illness. He knew his fate and he bore it with a great deal of fortitude.

I first met Ed in my first session, the 100th session of the Legislature, and soon grew to have a great deal of respect for his ability. He was, in my opinion, one of the better lobbyists that we have seen here in the State of Maine, and I am sure that the state is much better, and the residents of it, for Ed Hough having lived.

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

It is a vote.

#### Joint Resolution STATE OF MAINE

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

Joint Resolution Concerning the Augusta Area's Forth of July Celebration Days  
WHEREAS, the United States of

America is in the process of celebrating its 200 years of independence; and

WHEREAS, the Fourth of July is the annual day to celebrate the independence of the United States; and

WHEREAS, the great State of Maine prominently figures in the history of this country's struggle for independence; and

WHEREAS, the City of Augusta is the Capital City of the great State of Maine; and

WHEREAS, there shall be a three day Fourth of July celebration in the Capital City; and

WHEREAS, this celebration is being conducted by the citizenry of the Capital City; now, therefore, be it

RESOLVED: That, We, the Members of the 107th Legislature in regular session assembled, do commend the citizens of the Capital City of Augusta for their patriotic spirit and hereby proclaim that July 3, 4 and 5, 1975 shall be known as the Augusta area Fourth of July Celebration Days and urge all persons of patriotic spirit to attend the festivities to be conducted; and be it further

RESOLVED: That a suitable copy of this resolution be sent by the Secretary of State to the City Council of Augusta. (H. P. 1747)

Comes from the House, Read and Adopted.

Which was Read.

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

Mr. KATZ: Mr. President, I thought the Senate might permit me to tell you what is going to happen in Augusta next week after the legislature goes home. Pat Kaloustian, a private citizen, felt that the capital city really ought to celebrate the Fourth of July this year.

Primarily as a result of his labors and the cooperation he got from other citizens, let me tell you what Augusta is going to have for a real old-fashioned Fourth of July celebration. We are going to have bagpipes come down from Nova Scotia. We will have twirlers and armed forces representation in our parade. We will have six bands in our parade, floats, even politicians. There will be a banquet, there will be a ball, there will be the biggest display of fireworks ever, a bicycle race, children's activities, a band concert, a circus, and a canoe race. I presume the canoe race is going to be on water and the rest is going to be on land, but it ought to be a great old-fashioned celebration. And if any of you happen to be in the area, after having gone home, you are cordially invited to attend.

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

It is a vote.

**Joint Resolution**

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

Joint Resolution Memorializing the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the United States Congress to Equalize Deposit Rate Ceilings in the State of Maine

We, your Memorialists, the Senate and House of Representatives of the State of Maine in Regular Session of the One Hundred and Seventh Legislature now assembled, most respectfully present and petition the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the United States Congress and other

appropriate regulatory agencies as follows:

WHEREAS, legislation has been passed in the regular session of the One Hundred and Seventh Legislature granting to thrift institutions in the State of Maine many of the rights and responsibilities presently granted only to commercial banks including the right to offer personal checking accounts; and

WHEREAS, federal law and regulations now permit thrift institutions to pay their depositors a higher maximum rate of interest than the amount which commercial banks can now pay on saving and time deposits; and

WHEREAS, in view of the passage of said legislation, said federal law and regulations should be reviewed; and

WHEREAS, the citizens of the State of Maine would greatly benefit by the elimination of the present law and regulations as they apply to Maine which permit an unequal maximum rate of interest paid to commercial bank savings and time depositors; now, therefore, be it

RESOLVED: That We, your Memorialists, hereby record our concern with the existing federal law and regulations and urge and petition the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board and the Congress of the United States to expedite their consideration of the Hunt Commission report and its implementation in Maine to assure that the federal law and regulations provide a fair, competitive banking system for all financial institutions in Maine, including the elimination of regulation Q and any other ceilings on the rates paid on deposits; and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the President of the Senate and Speaker of the House of Representatives in Congress, to the Federal Reserve Board, to the Federal Deposit Insurance Corporation, to the Controller of the Currency, to the Secretary of the Treasury, to the Federal Home Loan Bank Board, to the Coordinating Committee of Financial Institutions, to the Superintendent of Banks and Banking in the State of Maine and to the Members of the said Senate and House of Representatives from the State of Maine. (H. P. 1751)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Communications  
STATE OF MAINE**

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

June 23, 1975  
Honorable Harry N. Starbranch  
Secretary of the Senate  
107th Legislature  
Augusta, Maine  
Dear Mr. Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed 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).

Respectfully,

Signed:

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

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

**Joint Order**

On motion by Mr. Marcotte of York, ORDERED, the House concurring, that S. P. 549, L. D. 1913, "An Act Concerning the Office of Energy Resources" be recalled from the Governor's desk to the Senate. (S. P. 603)

Which was Read and Passed.  
Sent down for concurrence.

**Committee Reports  
House**

**Divided Report**

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act to Include the Maine County Commissioners Association under the State Retirement System." (H. P. 1196) (L. D. 1492)

Reported that the same Ought Not to Pass.

Signed:

Senator:

COLLINS of Knox

Representatives:

LAVERTY of Millinocket  
MORTON of Farmington  
KELLEY of Machias  
USHER of Westbrook  
LEONARD of Woolwich  
NADEAU of Sanford

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

Signed:

Senator:

O'LEARY of Oxford

Representatives:

CURTIS of Rockland  
POWELL of Wallagrass Pt.  
THERIAULT of Rumford  
MacEACHERN of Lincoln

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

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

**Divided Report**

The Majority of the Committee on Transportation on, Bill, "An Act Increasing Motor Vehicle Registration Fees." (H. P. 861) (L. D. 1080)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1692) (L. D. 1930)

Signed:

Senators:

GREELEY of Waldo  
McNALLY of Hancock  
CYR of Aroostook

Representatives:

LUNT of Presque Isle  
WINSHIP of Milo  
WEBBER of Belfast  
FRASER of Mexico  
JENSEN of Portland  
KAUFFMAN of Kittery

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

Signed:

Representatives:

STROUT of Corinth

BERRY of Madison  
ALBERT of Limestone  
JACQUES of Lewiston

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

Which reports were Read.

Mr. Greeley of Waldo moved that the Bill be tabled, pending Acceptance of Either Committee Report.

Thereupon, on motion by Mrs. Cummings of Penobscot, tabled until later in today's session, pending Acceptance of Either Committee Report.

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to Motor Vehicle Fees." (H. P. 730) (L. D. 907)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-702).

Signed:

Senators:

GREELEY of Waldo  
McNALLY of Hancock  
CYR of Aroostook

Representatives:

WINSHIP of Milo  
ALBERT of Limestone  
LUNT of Presque Isle  
BERRY of Madison  
FRASER of Mexico  
WEBBER of Belfast  
KAUFFMAN of Kittery

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

Signed:

Representatives:

STROUT of Corinth  
JENSEN of Portland  
JACQUES of Lewiston

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

Which reports were Read.

On motion by Mrs. Cummings of Penobscot, tabled until later in today's session, pending Acceptance of Either Committee Report.

#### Senate

##### Ought to Pass — As Amended

Mr. Collins for the Committee on Judiciary on, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 480) (L. D. 1760)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-351).

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

Mr. COLLINS: Mr. President and Members of the Senate: This is the omnibus errors and inconsistencies bill. You will find in your Senate Amendments notebook a group of white sheets which summarize and explain the many provisions of this act. There are still a number of amendments in the process of preparation, which are worthy and valid amendments, to become a part of this bill. It would be my suggestion that the Senate accept the committee report and advance this to second reading, and I will then place it on the table so that some of the things still being printed may be brought in later in today's session.

The PRESIDENT: Is it now the pleasure of the Senate to accept the ought to pass as amended report of the committee?

Thereupon, the Ought to Pass as

Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and, under suspension of the rules, the Bill, as Amended, was Read a Second Time.

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

#### Enactors

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

An Act to Require Appointment of a Public Member to all Professional and Occupational Licensing Boards. (S. P. 106) (L. D. 361)

(On motion by Mr. Wyman of Washington, tabled until later in today's session, pending Enactment.)

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

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

An Act to Require Notification of Assistance to Indigent Persons. (H. P. 699) (L. D. 875)

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

(On motion by Mr. Wyman of Washington, tabled until later in today's session, pending Enactment.)

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

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

#### 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 23, 1975 by Senator Speers of Kennebec.

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

(In the Senate — Committee Amendment "A" (H-743) Adopted, in non-concurrence.)

On motion by Mrs. Cummings of Penobscot, 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 23, 1975 by Senator Speers of Kennebec.

Pending — Enactment. (In the House — Passed to be Enacted.)

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

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

Bill, "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)

Tabled — June 23, 1975 by Senator Speers of Kennebec.

Pending — Motion of the Same Senator to Suspend the Rules for the Purpose of Reconsideration.

(In the House — Passed to be Enacted.)

(In the Senate — Passed to be Enacted.)

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

Mr. BERRY: Mr. President, I am happy to be instrumental in making progress in the legislative procedure here now, after the last several items. The purpose of the amendemnt that I am about to offer is to remove from the classified service the proposal that members of the Review and Audit and Fraud Investigation Division be placed in the classified service, so I would move the pending question.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled until later in today's session, pending the motion by Mr. Speers of Kennebec to Suspend the Rules for the purpose of Reconsideration.

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

Bill, "An Act to Increase Certain Hunting and Fishing License Fees." (H. P. 464) (L. D. 566)

Tabled — June 23, 1975 by Senator Johnston of Aroostook.

Pending — Passage to be Engrossed. (In the House — Passed to be Engrossed as amended by Committee Amendment "B" (H-784).)

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

Mr. Johnston of Aroostook moved the pending question.

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 prolong this bill nor am I going to speak on it again after this morning, but I would just like to call your attention to one more item that has been supplied to the Senate this morning by the good Senator from Hancock, Senator McNally. If you look at the figures again that are being given to you by the Department of Fish and Game, under that portion which says "Reserve for hunting license sales," a decrease of 20 percent estimated, I think the good Senator will be honestly open and tell you that at the hearing the department clearly stated the decrease was estimated to be that of 15 percent. So it again is just another shuffling of figures that the department is doing to get this particular item through.

Mr. President, I move that this bill and all of its accompanying papers be indefinitely postponed, and I would request a division.

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

Mr. CIANCHETTE: Mr. President, I looked into this bill since the debate

yesterday. I was concerned about why the Fish and Game Department was carrying such a balance all the time, and I think I have the answers and I think they make a real lot of sense. There are many contingencies that can be thrust upon a department to handle, and with a balance being carried there, they are protected from big surprises that could happen like we have seen in other departments of the state. I think there is good justification for keeping the balance.

Now, what makes a lot more business sense about it all is that the balance collects interest. That interest is used in a roundabout way to pay for the facilities that the Fish and Game Commission operates out of here in Augusta. Without that balance collecting interest, someone has got to come up with \$85,000 a year to pay for the rent on the building down there. I don't think that this money is being wasted. I don't think that we need to drain our coffers completely dry here in the State of Maine at the whim of some politicians who think we are going to make a lot of credit with the people in the state if we can stop state spending. That type of state spending I think is responsible, legitimate and good business practice. Therefore, I hope that you would vote against the motion to indefinitely postpone this morning and let this bill be passed.

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to the good Senator from Somerset, Senator Cianchette, as to where he got his figures?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to the Senator from Somerset, Senator Cianchette, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. CIANCHETTE: Mr. President, I called Maynard Marsh this morning and got those figures from him.

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

Mr. McNALLY: Mr. President and Members of the Senate: I hope that this is germane, but I want to take this time to thank the Fisheries and Wildlife Committee that worked with me, who really worked hard and certainly tried very hard to do their duty.

Now, I would like to explain a little bit more about these figures, because what I am holding in my hand I got from Mr. Garside's office this morning — I didn't get this from Fish and Game — but what I put on your desks this morning came from Mr. Wells, who came up here with it and brought it up here. What I have is identical to the same thing and it is very easily understood. They have at the present time, as of May 31, 1975, \$1,876,000. Now, of that, \$600,000 approximately has been encumbered by orders for different materials necessary to keep the department going, and that leaves a total of \$1,276,000 unencumbered. Now, out of that, needed for working capital is \$600,000. This is the excess of estimated expenditures over the estimated revenues collected through November.

Now, the hunting licenses generally are bought in November, but they don't get into the department until December. They are not sent in by the people who have written them up and send them in. So that is why they need to have the \$600,000, to

pay the expenses until such time as the license fees are available. Now, that leaves \$676,000. But what have they got that for? Well, supposing we had another dry fall like we had about 1947 and they closed the woods. People then are not going to buy any licenses because they can't go into the woods anyway, and they are not going to foolishly spend their money for something they can't do. So all the time that these woods are closed and all the time there are no licenses being bought or fees returned to the department, the expenses to carry on the department go on just the same.

The Fish and Game Department doesn't have any trough to get into to get money out of, like the general fund. All they have is the license fees that come in to them. So they are in a different situation and can't go to the Governor and Council and say we are in trouble and we need a couple hundred thousand dollars. So they feel they should have approximately 20 percent of what the hunting licenses will come to and that they will receive, which is 20 percent of some two and a half million in revenue that they would receive in December, and that equals \$500,000. Well, you take that \$500,000 out of the \$676,000, and you have got approximately \$176,000 on hand for a cushion. That is not an unreasonable sum to have.

Now, if you folks feel that this is a department that should be punished or perhaps is a department that should be done away with, I want to call your attention to the fact that probably no department brings any more revenue into this state for the public to get money from to live on than the hunting and fishing which we have here and can supply. I want you to remember that Canada has doubled their fees this year, and I hope you realize that other states have been forced to raise theirs also.

I don't think what we have done is unreasonable. I do know that we have checked and double checked and tried over and over to do what we were sent down here to do.

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

Mr. PRAY: Mr. President and Members of the Senate: As just a point of interest, concerning the remarks by the Senator from Hancock, Senator McNally, as to the fact that Canada has doubled their license fees, so has our sister state of New Hampshire. And the facts being what they are, it would be just a matter of principle that Maine would increase its sale of licenses because the bordering state and province have increased theirs by a sizable amount, thus, that would kind of discount the argument that there is going to be a resistance force on the number of licenses that are going to be sold.

Yesterday some remarks were brought up as to an economic study by a University of Maine professor concerning resistance and a decrease in sales. There are two things I have noticed in the budget bill as to reaching the figures on this matter. First of all, they accounted for a 15 percent resistance. And in figuring the 15 percent resistance, you figure you are going to have 15 percent less people hunting in the state. If you increase license fees to the nonresident, and you have a 15 percent resistance, that would mean there is still a 25 percent increase in revenue. The figure given to you is a 15 percent reduction in the revenues raised last year, and it should be

15 percent in resistance, 15 less people out of 100 buying a license, not 15 percent less than the money taken in last year. So I don't think these figures reflect the true picture that we have.

For that reason, as I stated yesterday, I am going against this because we do have an order on the table now to study the department, and I think when we come back here this fall we will have plenty of time to pass a bill for the increase that they need. But I want to be sure as to what they do need. I don't want to pass a price on to the people of this state and the people outside of the state that is an unnecessary cost.

There is a lot more to be figured in here than just the department revenues. It is true, I think we have a good game management program going on and we need that. We have a large economic factor in this state that depends upon the nonresidents coming in, and yet we start worrying just about the department and the revenues that it is going to bring in. We also have to look at the businesses and the people who make their livelihood from the nonresident sportsmen that come into the state. I think this is a factor that should go into deep detail and deep study. As I stated yesterday, I think we should wait until this fall before we pass an increase on. There will be plenty of time this fall so we can get the entire picture.

I stood here a couple of weeks ago and defended the original bill quite vigorously, as some people can attest to, and since that time I have become confused on the total issue as to what the facts are. For that reason, I will continue to vote against the passage of this L. D.

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

Mr. CONLEY: Mr. President and Members of the Senate: I just wonder how much money of the department's budget was spent last night in the phone calls that were made all around the state on this particular item. I certainly know that my phone was ringing, and I am sure that many of yours were. Perhaps the worst thing we did on this bill so far was to ask for a roll call.

Mr. President and Members of the Senate, as I stated yesterday, I don't think that the Fish and Game Department is any different than any of the other departments that are being funded under the Part I Budget. This is the year that the chief executive has asked everyone to tighten their belts and try to live with the revenues that they have until the fall or the first of the year when he calls us back into special session. There is so much confusion relative to this particular budget or the increase in fees that every day this bill comes up we get another sheet of paper trying to explain to us exactly what is going on.

Personally, I would support a joint order being introduced to have a select joint committee undertake a study on this entire department and come back, and if they can justify these expenditures or increases, then I would support that. One member of the Fish and Game Committee has asked me to support such an order and he has my 100 percent support. I again would ask the Senate to put off until the fall this particular item and let us see and take a hard look at exactly what those costs are and whether they are needed.

The PRESIDENT: The Chair recognizes

the Senator from Androscoggin, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: Pertaining to this particular bill, I think in the last ten to twelve hours I have gone through one of the most extensive lobbying experiences of my life, and I was called from the chamber a few minutes ago by my local high school principal, who was concerned on this bill.

It was rumored in the chamber yesterday that there may be a joint order offered for a study of this particular bill, and as I talked to these people and explained it to them, they were totally unaware of the facts behind the bill, they had no knowledge whatsoever except for the fact that Fish and Game has nice people, on which I concur, but I think it is my feeling, and that of the people I talked to who are in support of this bill, that the best direction for this body and the legislature in general to take would be for a study of this particular item and to take it up at our next special session.

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

Mr. McNALLY: Mr. President, I forgot to state that nobody is paying any more for their license this year and there will not be that 15 percent reduction for people coming in. And another thing, when you get into the snowmobiles, you want to remember that if the people want to pay for their snowmobile licenses before July 1, 1976, that they will have another year of \$10 licenses for their snowmobiles beyond what they have now. And if there hasn't been a roll call asked for, I sure will ask for one.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to pose a question through the Chair to the good Senator from Somerset, Senator Cianchette, or anyone else who may care to answer. I think he stated in his original remarks that there was a certain amount of interest earned on this what I consider to be exceptionally high balance. I have reviewed the general figures presented to us on page 384 of this handbook and I don't see any interest income reported. I wonder where that showed up in this report?

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

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Thereupon, on motion by Mrs. Cummings of Penobscot, tabled until later in today's session, pending the motion by Mr. Conley of Cumberland to Indefinitely Postpone the Bill and accompanying papers.

On motion by Mrs. Cummings of Penobscot,

Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

(Off Record Remarks)

On motion by Mr. Speers of Kennebec,  
Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

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

An Act to Require Appointment of a Public Member to all Professional and Occupational Licensing Boards. (S. P. 106) (L. D. 361)

Tabled — earlier in today's session by Mr. Wyman of Washington.

Pending — Enactment.

Mr. Wyman of Washington then moved that the Bill and accompanying papers be Indefinitely Postponed.

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

Mr. CURTIS: Mr. President, I ask for a division, and I hope that the Senate will support this effort, which was suggested in a speech some time ago to the joint session of the legislature by the Governor, to provide that every board and commission which has licensing powers in state government and which reviews the activities of professionals include a consumer member.

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

Mr. CONLEY: Mr. President, I too would oppose the motion of the good Senator from Washington, Senator Wyman. Really, the legislation before us doesn't have anything outstanding about it. It does allow a public member to serve on these boards, and I think it is to the betterment of the operation of state government that a lay person serve on these boards. I think it will certainly be beneficial to everyone of these boards operating under the laws of the state to have someone present just to be able to give the atmosphere that everything is running shipshape, and I would oppose that motion of the good Senator.

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

Mr. WYMAN: Mr. President and Members of the Senate: I didn't feel I could let this go without expressing my opinion because I was a signer of the Minority Ought Not to Pass Report. Now, this in the end is going to cost. It will be stated that there is no cost to it because these are dedicated funds, but sooner or later the charges by which they get the dedicated funds will need to be raised to pay these people. Now, just what does the consumer know about embalming, what does he know about hairdressing? I just think it is expanding state government and in the end it is going to be an expense. I hope the Senate will vote to indefinitely postpone it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Washington, Senator Wyman, that L. D. 361 and all accompanying papers be indefinitely postponed.

A division has been requested. Will all those Senators in favor of the motion to indefinitely postponed will please rise in their places until counted.

A division was had. Eight having voted in the affirmative, and 21 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 laid before the Senate the following tabled and Specially Assigned matter:

An Act Relating to Improved Property

Tax Administration. (H. P. 882) (L. D. 1150)

Tabled — earlier in today's session by Mr. Wyman of Washington.

Pending — Enactment.

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

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

Bill, "An Act to Increase Certain Hunting and Fishing License Fees." (H. P. 464) (L. D. 566)

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

Pending — the motion by Mr. Conley of Cumberland to Indefinitely Postpone the Bill and accompanying papers.

Mr. Conley of Cumberland moved that the Bill be retabled until later in today's session, pending the motion by that Senator to Indefinitely Postpone the Bill and accompanying papers.

On motion by Mr. Graffam of Cumberland, a division was had, 17 having voted in the affirmative, and 12 having voted in the negative, the motion prevailed.

#### Senate Papers

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

#### Communications

##### STATE OF MAINE

One Hundred and Seventh Legislature  
Committee on Judiciary

June 23, 1975

The Honorable Joseph Sewall

President of the Senate

107th Legislature

State House

Augusta, Maine

Dear Mr. President:

The Committee on Judiciary is pleased to report that it has completed all business placed before it by the 107th Session of the Maine State Legislature, and reports the following:

Total number of bills received	187
Bills referred from other Committees	3
Total unanimous reports	149
Total divided reports	38

	Unanimous	Divided
Ought to pass	16	21
Ought to pass as amended	49	14
Ought to pass in new draft	3	7
Ought not to pass	29	37
Leave to withdraw	49	
Referred to other committees	3	

Total number of amendments 63

Total number of new drafts 10

Four studies were recommended by the Committee.

Public hearings were held on 52 Legislative days.

Respectfully,

Signed:

SAMUEL W. COLLINS, JR.

Senate Chairman

Committee on Judiciary

Which was Read and Ordered Placed on File.

#### STATE OF MAINE

One Hundred and Seventh Legislature

House of Representatives

Office of the Clerk

Augusta, Maine 04330

June 23, 1975

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



Augusta, Maine

Dear Mr. Secretary:

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

Respectfully,

Signed:

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Papers from the House

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

##### Non-concurrent Matter

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

In the Senate June 23, 1975, Read and Passed as Amended by Senate Amendment "A" (S-342).

Comes from the House, Senate Amendment "A" Indefinitely Postponed and the Order Read and Passed, in non-concurrence.

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

##### Non-concurrent Matter

Bill, "An Act to Establish Rules for Legislative Investigating Committees." (H. P. 898) (L. D. 1085)

In the House June 20, 1975, Passed to be Engrossed as Amended by House Amendment "A" (H-789).

In the Senate June 23, 1975, Leave to Withdraw report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference, with the following Conferees appointed on its part:

KELLEHER of Bangor  
COONEY of Sabattus  
BIRT of East Millinocket

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

#### Committee Reports

##### House

##### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Extend the Provisions of the Energy Emergency Proclamation." (H. P. 1152) (L. D. 1446) (Emergency)

have had the same under consideration, and ask leave to report: That the House recede from passage to be engrossed, adopt Conference Committee Amendment "A" (H-819), and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-819); that the Senate recede from indefinite postponement, adopt Conference Committee Amendment "A" (H-819), and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-819).

On the part of the House:

KELLEHER of Bangor  
FINEMORE of Bridgewater  
MARTIN of Eagle Lake

On the part of the Senate:

ROBERTS of York  
MARCOTTE of York  
TROTZKY of Penobscot

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in 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 Change the Participation of Employees in the Classified Service in Political Campaigns." (H. P. 1041) (L. D. 13331) 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, a amended; recede from its action whereby it adopted Committee Amendment "A" (H-364), as amended by Senate Amendment "A" thereto (S-278); recede from its action whereby it adopted Sente Amendment "A" to Committee Amendment "A" and indefinitely postpone same; indefinitely postpone Committee Amendment "A"; adopt Conference Committee Amendment "A" (S-359), 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, as amended; recede from its action whereby it adopted Committee amendment "A", as amended by ouse Amendment "C" thereto (H-760); recede from its action whereby it adopted House Amendment "C" to Committee Amendment "A" and indefinitely postpone same; indefinitely postpone Committee Amendment "A"; adopt Conference Committee Amendment "A" submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

On the part of the Senae:

CORSON of Somerset  
CARBONNEAU of Androscoggin  
COLLINS of Knox

On the part of the House:

STUBBS of Hallowell  
BOUDREAU of Portland

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

##### Papers from the House

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

##### Joint Order

WHEREAS, the Department of Inland Fisheries and Wildlife is currently funded largely from fees charged for licenses issued by the department; and

WHEEAS, maintenance of the present high level of services rendered by the department, as well as the constnt rate of inflation, have made necessary a sharp increase in license fees; and

WHEREAS, legislative attempts to make the necessary license fee increases have met with grave difficulties in deciding which license categories should bear what fees; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council, through the Joint Standing Committee on Fisheries and Wildlife, be authorized to study the feasibility of funding the operations of the Department of Inland Fisheries and Wildlife out of the General Fund and of abolishing the dedicated revenues of the Fish and Game Fund; 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. 1771)

Comes from the House, Read and Passed.

Which report was Read.

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

#### Orders

On motion by Mr. Pray of Penobscot,

WHEREAS, the needs of the Department of Inland Fisheries and Wildlife have necessitated an increase in certain hunting and fishing license fees; and

WHEREAS, Legislative Document 566, introduced in the regular session of the 107th Legislature, attempted to raise many of the license fees issued by the Department of Inland Fisheries and Wildlife; and

WHEREAS, the effect of increasing various license fees on the economy of this State and the problem of equitable fees for the various license categories have caused great discussion in the Legislature, a discussion which is not yet resolved; now, therefore, be it

ORDERED, the House concurring, that a Special Joint Committee be established, to consist of 4 Senators to be appointed by the President of the Senate and 6 Representatives to be appointed by the Speaker of the House, which shall study the subject matter of Legislative Document 566, and shall make recommendations as to the desirability of this proposed legislation and of any needed modifications; and be it futher

ORDERED, that the members of this Joint Select Committee shall be entitled to be reimbursed for necessary travel expenses and to be paid per diem, the amount for per diem not to exceed \$25 per day; and be it further

ORDERED, that there is allocated from the legislative account the sum of \$1,000 to provide for reimbursement of travel expenses and for the payment of per diem; and be it further

ORDERED, that the Council report the results of its findings together with any proposed recommendations and necessary implementing legislation to the first special session of the Legislature 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. 604)

Which report was Read.

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

#### Committee Reports

##### House

##### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor. (H. P. 16) (L. D. 24)

have had the same under consideration, and ask leave to report: That the House recede from passage to be engrossed, indefinitely postpone Committee

Amendment "A" (H-583), adopt Committee Amendment "B" (H-584), adopt pass the bill to be engrossed as amended; that the Senate recede from passage to be engrossed, indefinitely postpone Committee Amendment "C" (H-585), adopt Committee Amendment "B" (H-584), and pass the bill to be engrossed as amended in concurrence.

On the part of the House:

ROLDE of York  
COONEY of Sabattus  
SUSI of Pittsfield

On the part of the Senate:

COLLINS of Knox  
BERRY of Cumberland  
DANTON of York

Comes from the House, the report Read and Accepted.

Which report was Read.

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

Mr. CURTIS: Mr. President and Members of the Senate: I am just a little reluctant to make this statement, but this is a topic that has been of considerable concern to me for a number of years. This is the third session in which I sponsored a resolution to change the Maine Constitution to abolish the executive council and to replace it with the Senate as the confirming body. I am disappointed that at a time when we would expect the executive council might very well be abolished, and it would be replaced with an entity of state government much more accountable directly to the people, that the committee of conference has brought forth not the abolition of a branch of government but the abolition of the executive council and the replacement of it with a new organization, this time comprised of five members of the House and five members of the Senate.

I think that the proposal, the report from the committee of conference, lacks that direct accountability which the people would expect, and I think that it is important that we not panic when we are talking about revising the Maine Constitution.

I have viewed with some dismay an article in the paper this morning that quoted the chief executive as requesting to have any kind of bill to abolish the executive council placed on his desk so that he could sign it and send it to the people. Well, I think it is important when we are talking about the State of Maine government, and particularly about our constitution, that we understand the process that is involved. Of course, no resolution to change the executive council or to in any other way amend the Constitution of the State of Maine would ever go to the desk of the Governor. That is a legislative responsibility, requiring a vote of two-thirds of each house of the Maine Legislature, and then referral directly to the people of the State for a vote by a majority.

Because of my concern about the accountability factor, because I feel that an additional council comprised of five members of the House and five members of the Senate would only result in more bickering, more campaigning, as it were, at the beginning of each biennium by perhaps rejected candidates for leadership positions, or perhaps by leaders themselves, and because I think that we ought not to provide an arrangement by which people who are nominated for high positions in state government, judges of our Supreme Judicial Court, the justices

on our Superior Court, commissioners of very important departments, are not to be subjected to yet another entity of state government comprised of representatives of each branch of the legislature.

The simple, the smooth way, the method which is used by our federal government, and which I think we ought to use in this state, is to have the confirmation reside in one body directly elected by the people, who are directly accountable to the people every two years in an election, and that would be the Senate.

For that reason, Mr. President, I move that we reject the report of the conference committee and that we request a second committee of conference.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending the motion by Mr. Curtis of Penobscot to Reject the Committee of Conference Report.

#### Enactors

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

An Act to Authorize the Board of Environmental Protection to Regulate the Anchorage of Vessels in Maine Waters. (H. P. 1700) (L. D. 1933)

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

Mr. O'LEARY: Mr. President and Members of the Senate: Just last week this body voted more than 2-to-1 to indefinitely postpone this bill and all of its accompanying papers and then voted against reconsideration. Because of our amendment procedure, this bill is back before us once again. This body, without the opportunity of looking at the House Amendment under Filing H-816, voted to recede and concur. This was apparently with the belief that the Coastal Resources Action Committee was telling the truth about their intent. I believe they thought that in our haste to adjourn we could easily be duped.

Let's take this bill point by point, and I will be brief. Point No. 1, this bill is not necessary because Coast Guard directive 1-75 spells out every safeguard that is in this bill. Current Coast Guard policy is: (a) that the proposed lay-up is safe; (b) — and this is what we are really talking about — that the lay-up is environmentally sound; (c) that the proposed lay-up does not unduly obstruct navigable waters; and (d) in the case of foreign flag tankers, that the proposed lay-up is in the national interest.

Point No. 2 is that this bill runs counter to agreements that the United States Government may have with foreign flag vessels under operations. Captain of the port approval of a proposal of lay-up of foreign flag vessels must await message of authorization from the Commandant, U. S. Coast Guard. And I must remind you that ten working days are required for interagency screening subsequent to receipt of the following information: 1, the name of the vessel; 2, the flag of registry; 3, the deadweight tonnage; 4, the owner; 5, the agent or local representative; 6, where the vessel will anchor or be berthed; 7, other pertinent information.

Point No. 3, now what we are saying in House Amendment "B", under Filing H-816, is that ten working days as provided

in Coast Guard directive 1-75 will be only a seven day period. What the amendment says is on page 3, under section 6, "Prohibition. No person shall have a vessel anchorage in Maine waters for more than seven days without a current license from the board." I would submit to you here today that you have heard Senator Trotzky tell you, and he was telling you the truth, the board meets twice a month, or about once each 15 days.

This bill has been very poorly researched. The seven-day provision of this bill is unworkable. This bill came in very late, and perhaps some of our leaders had a lot of influence on it being allowed; I will not argue that, but I will say that the original bill dealt only with the regulation of tankers in Casco Bay.

House Amendment "B" changes the title also. It regulates the anchorage of vessels in all Maine waters. It would seem to me that the author of this bill, along with CRAC, is saying we will be let by going for half a loaf; let's go for the whole loaf. And what really gets me is the fact that this bill, as now amended, hasn't had a public hearing. No one else along the coast of this state will have had even an opportunity of telling us that they would or would not like to have this. It may be that we can legally do it, but I would submit to each of you here today is it morally right? I would suggest that the good Senator from Somerset, Senator Cianchette, was right when he asked that we defer this bill to the special session.

The Senator from Cumberland, Senator Conley, says that the prime concern of this bill is not to make Hussey sound a graveyard for tankers. How ridiculous can we get. Each of these vessels are registered, and in no way can they be left there to just rot away. The same Senator seems to forget that every major tank vessel that goes into the Port of Portland leaves anywhere from \$35,000 to \$75,000. This is exclusive of any long-term major overhaul and repairs to the local businesses of Portland. I would say this is a pretty nice chunk of money. If I were to be a recipient of it, you can feel sure that I would not see it as the other good Senator from Cumberland County, Senator Berry, who sees it as visual pollution. I would see it as dollars. There are just too many millions of dollars invested in these vessels to allow them to lie there and rust away.

I might also add that at the present time there is not — and I will repeat that — there is not a lobster trap in that area of Hussey Sound that we are talking about in this bill.

I would like to read to you a little bit from this Coast Guard notice 01-75. In the case of the United States flag vessels, the captain of the port may proceed in accordance with the below listed guidelines without waiting for authorization from the Commandant of the United States Coast Guard. The captain of the port will direct matters dealing with laid up tankers in accordance with the below listed guidelines: (a) the captain of the port will require the applicant to submit in writing a comprehensive proposal for the lay-up of tankers singly or in nests. This proposal will identify the party responsible for the vessel or vessels in lay-up and will specify in detail satisfactory to the captain of the port plans for the safe and pollution free lay-up. These will include: 1, specific location of anchorage or berth of the lay-up; assurances that cargo tanks, adjacent cofferdams, ballast tanks, pumping

rooms, cargo piping systems, and cargo venting arrangements are thoroughly cleaned, gas-free, and will be maintained gas-free. Initial gas-free certification shall be made by a qualified marine chemist. We don't have them in the Department of Environmental Protection. Thereafter, gas-free status shall be checked weekly by a marine chemist until condition is stabilized, after which intervals may be lengthened.

In addition to the evidence of financial responsibility required by the Federal Water Pollution Control Act, suitable liability insurance for each vessel must be shown. Specifications prepared by a qualified marine surveyor as to size and scope of chain, number and size of anchors to be used, depending on freeboard, depth of water, types of bottom in holding ground and extreme climatic, tidal and current conditions in the area. In areas of doubtful holding ground, a statement of a geologist based on test borings may be required. Safe under-keel clearance must be assured at extreme low tides.

If a laid-up vessel is to be moored to a waterfront facility, that facility and all dolphins and other shoreside mooring fittings and the number, size, arrangement and conditions of mooring lines shall be certified by a qualified marine surveyor as safe and capable of holding the vessel secure, taking into account freeboard, draft and extreme climatic, tidal and current conditions in the area. Contingency plans for heavy weather, contingency plans for firefighting, contingency plans for tugboats, contingency plans for emergency evacuation of crews, assurance of compliance with sewage disposal regulations, and then appeals to the courts and garbage disposal plans, standard and emergency communications between shore and shipkeeping crew, qualifications of shipkeeping crew aboard. If no live, aboard shipkeeping crew is planned, the applicant must show the periodic visits by competent persons are adequate to assure safety and compliance with the United States law. And there are more down through here. There are all the safeguards that we are talking about, all proposed in this one directive from the Coast Guard.

Mr. President and Members of the Senate, I have tried briefly to outline some of the things that I know are in this bill. Now, let me tell you what I suspect of this bill. I suspect that we will see CRAC intervening in the case of any tanker entering Maine waters and then harassing the Board of Environmental Protection that it does not meet standards that CRAC determines the Board should have for regulations, and then appeals to the courts because they don't like the decision of the Board.

I suspect that this bill does not tell us what it is going to cost the citizens of the State of Maine in our fuel bills because of the proposed rules or regulations.

I suspect that this bill will hinder our availability of fuel to heat our homes, will further hinder our opportunity to have an oil refinery in this state, and I suspect that it is destined to make Maine the playground of the wealthy who earn their money in Massachusetts, New York or New Jersey and who do not care about we who work and live in Maine, who pay their taxes, pay to educate their young and provide the services for the elderly.

I will submit to you here today that this bill is unnecessary, No. 1, because under the Coast Guard regulations it states that

the proposed lay-up is environmentally sound — and that means in Maine waters under our laws; No. 2, that the seven days is not practical because our Board meets only once every 15 days; No. 3, there is no fiscal note to go with this, and there should be; No. 4, there has been no public hearing on this bill that would include the entire Maine coast; No. 5, I have complete confidence that the Coast Guard would protect our shores, and there is no need — and I will repeat that — there is no need for a duplication of services.

What we have here is really what was pointed up by a study of the University of Maine: 90 percent can be opposed to something, 5 percent very vocal can literally make something become law. Let's do our constituents a service, indefinitely postpone this bill and all of its accompanying papers until such time as we know what it is we are being asked to do and what we are going to do.

As a man who is truly an environmentalist, who is really and truly concerned about the future of our state, truly concerned about our economic future, and truly concerned about the people we seek to represent, I would ask that you join me in the indefinite postponement of this bill. This bill, if you will read the first sentence of the enactor, means that the state will take over all the policing duties that lie now with the Coast Guard. It means purchasing and manning watercraft for enforcement, and who knows what that cost will be. I would submit to you that our Department of Environmental Protection has more now than it can reasonably handle, so I would ask that you join me in the indefinite postponement of this bill and all its accompanying papers. Thank you.

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

Mr. MERRILL: Mr. President, I would like to request that when the vote is taken it be taken by the "Yeas" and "Nays", and I would like to speak against the motion to indefinitely postpone just briefly.

There are a couple of arguments that I think ought to be dealt with. First is the area of duplication. As I understand it presently, if the Board of Environmental Protection looks at an application, say an application for an oil refinery, it has within its power the ability to set regulations about how that oil will be brought into Maine waters, how it will be transported up to the pier, and how it will be pumped out. It is my understanding, and I admit that my knowledge is only sketchy in this area, that those sorts of regulations, those sorts of requirements, were in the Pittston approval. So in terms of duplication, there is already duplication in that effort, if you want to say so; the Coast Guard is already in those waters, and yet our own Board of Environmental Protection is setting standards on how those boats will come in and under what conditions they will operate if this development is going to take place. This is a similar thing. It is no more duplication than that, and who would want to take that power away from the DEP.

We are concerned about the environment. That is our primary concern. The primary concern of the Coast Guard, of course, is going to be the safety of crafts moving through the water. It is not a duplication, I think; it is a difference in emphasis, and it is the right of the State of Maine. It is the duty of the legislators of the State of Maine to see that these activities are carried out in such a way as to protect the environment, because if you

want to talk about the environment in Casco Bay, there are a lot more Maine jobs

if you want to talk about jobs, if that is what you are concerned about, there are a lot more Maine jobs that are dependent on Casco Bay remaining somewhat clean and somewhat attractive than there are that depend on that pipeline. If you want to talk about Maine jobs, if that is the main concern of this Senate, that is what we ought to be concerned with, the fishermen who make their living out of that port and the people who make their living taking care of the tourists that come in the summer and enjoy Casco Bay. That is where the job side of this argument lies, not with that oil that comes in and gets pumped up with a few jobs.

I don't think that there has to be jobs on either side. I think that we can have these regulations and it isn't going to hurt the transport of oil in the least. But if you want to see where the emphasis should be, if all you care about is jobs, I think that it should be in seeing that Casco Bay is regulated.

There is one other thing that concerns me, and it may not be an element in this debate, but if it is an element in anybody's thinking I would like it to be put aside. There are a lot of people that have a great deal of concern about the environment when you are talking about Bigelow Mountain and when you are talking about places where nobody lives. But when you are talking about Portland and you are talking about Casco Bay, a lot of people's concern for the environment goes away. They say, well, Portland is dirty already, so who cares, we will turn Portland into a dump. People who feel that way are the people with whom I have absolutely no kindred feeling in terms of the environment. Because if we don't care about protecting the environment where the most of our Maine people live, if that is not the most important environment to protect, the environment where Maine people live, then what is this environmental concern? It is an elitist fantasy. It is an effort that we make to see that the Maine coast will remain pristine for the Rockefellers. And as far as that kind of an environmental movement is concerned, I want nothing to do with it.

I think this is an important bill, important to the people that live in and around Casco Bay, and that is why all the Senators that represent people that live in and around Casco Bay are supporting this bill. And that is why the Senate should reject this motion from an inland Senator to indefinitely postpone this bill and all accompanying papers.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those 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 motion before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that L. D. 1933 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 Cianchette, Collins, Corson, Cyr, Greeley, Katz, McNally, O'Leary, Thomas, Wyman.

NAYS: Senators Berry, R.; Carbonneau, Clifford, Conley, Cummings, Curtis, Danton, Gahagan, Graham,

Hiehens, Huber, Jackson, Johnston, Marcotte, Merrill, Pray, Reeves, Roberts, Speers.

ABSENT: Senators Berry, E.; Graffam, Trozky.

A roll call was had. 10 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with three Senators being absent, 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.

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

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

Mr. KATZ: Mr. President, I am going to support enactment of this bill, but I want to express a couple of concerns with respect to an action of the other body. The committee amendment, which actually was the bill, included some specific forgiveness from registration for members of the press and representatives of religious organizations. House Amendment "D" struck these protections out of the law, and now the law is silent about the responsibilities of the press and of the representatives of religious organizations to register as lobbyists. I must confess this concerns me. I would have felt much more comfortable if they had been left in the bill.

I have been assured that protection extends under the first amendment to the Constitution, but sometimes between getting the protection of the Constitution, between raising a question and getting protection, it requires some court action to guarantee these protections.

I imagine the Senate is going to enact this legislation today, but I would ask the Senate to keep an eye on the implementation of this legislation and make absolutely certain as we observe how this law is implemented that we have not directly or indirectly, in spirit or otherwise, put some legislative action in the direction of abridgment of freedom of the press or freedom of religion.

The PRESIDENT: Is the Senate ready for the question?

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

#### Emergencies

An Act to Reorganize the Department of Public Safety (H. P. 1469) (L. D. 1813)

An Act to Extend the Effective Date for Regulations Concerning Solid Waste Disposal. (H. P. 1746) (L. D. 1943)

These being emergency measures and having received the affirmative votes of 30 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.

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

Bill, "An Act to Increase Certain Hunting and Fishing License Fees." (H. P. 464) (L. D. 566)

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

Pending — the motion by that Senator to Indefinitely Postpone the Bill and accompanying papers.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a

roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

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

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

Mr. CORSON: Mr. President, I request the permission of the Senate to pair my vote with that of the Senator from Cumberland, Senator Graffam. If he were here, he would be voting "No" on the motion to indefinitely postpone, and I would be voting "Yes".

The PRESIDENT: The Senator from Somerset, Senator Corson, now requests leave of the Senate to pair his vote with the Senator from Cumberland, Senator Graffam, who, if he were here, would be voting against the motion to indefinitely postpone, and the Senator from Somerset, Senator Corson, would be voting in favor of indefinite postponement. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I would just like to point out that on Supplemental No. 3, which we have already taken up, we have two joint orders to look into the funding of the department. I think both of these orders have arisen out of the introduction of L. D. 566, and I would hope that everybody here would vote for the indefinite postponement of this and let us come back in the fall with one of these two study groups making their recommendations. I am sure one of them, introduced by one of the chairmen of the committee, definitely raises questions that there is a doubt in everyone's mind, and I just wonder if we should be passing this bill at this time with such a doubt being raised.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would just like to point out that I think probably with the problems of budgeting and the problems of funding that we are facing, particularly in this session, that we could make probably the same argument with every single department of state government that exists.

It is very tempting, I am sure, to say, well, let's not pass any increase of fees, let's not pass any kind of increase of any sort, and let's give it the summer and we will go ahead and study it, and then perhaps sometime this fall we can come back, and then perhaps we can pass some increase and perhaps we can fund the department. Well, the departments, of course, have to make their plans, they have to make their budgets, they have to act within particular budgets, and if we are going to do that with this particular department, I think that we should do it with all the departments. Well, I don't think that we really should do that with any of the departments.

The good Senator from Penobscot, Senator Pray, has pointed out that there has been concern about the funding and the activities, or some of the activities, of the Department of Inland Fisheries and Game, soon to be called the Department of Fisheries and Wildlife. This body and the other body have already taken steps and are taking further steps to look into those

problems that concern some people. I would say they concern many people.

We have already passed an order for the Committee on Performance Audit to look into this, and we have before us two additional orders to be looking into the department and the activities and the funding of the department. And I support looking into these activities and the funding, but I do submit that it would be somewhat irresponsible of this body to say, well, we are going to look into it, but in the meantime we are not going to do anything, because that argument can be made regarding any department of state government and we could bring all of state government just to a particular grinding halt. Frankly, I have no idea whether this would happen with the Department of Inland Fisheries and Game or not, but I submit that the committee that has worked on this are certainly knowledgeable and are the ones to be followed in this regard. This has been a cutting back in two separate instances of the fees that were requested by that department, and they are not being treated any differently than any other department in state government. They came in for a request of an increase and the committee originally cut that request back. This body and the other body didn't like that and sent it back to committee, and they again came back with an additional cutting back of the increase. It just seems to me that we have got to have some faith in what the committees are saying, and when the committee says that they feel, after looking into the budget, after looking into the programs, that the department is in need of these additional revenues, that without coming up with different facts and different figures and different specified areas in which we feel the department should be cutting out programs or should be cutting back or should be cutting down on personnel, or whatever it is we feel that they should be doing, that they don't need this additional money without actually coming in and specifying those areas that we want them to cut back on, I feel we should accept the judgment of the committee and go ahead and pass this bill.

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

Mr. CONLEY: Mr. President and Members of the Senate: As I stated yesterday, I have strong, strong reservations on this bill, and I just want to recall to your minds that first it was 1.3 million, then 1 million, then \$800,000 that the department requested, and each time this was their budget that they had to live with, that they couldn't go without or with any less; and each time they equivocated and came down the line by substantial amounts. Now we have a document before us that is going for 680-odd thousand dollars, and I am telling you right now there is no need of passing this bill. They don't need the money.

I think it is time that we started converting our thoughts to the people of this state, particularly people who enjoy that luxury — and that is what it has become today to be able to fish and hunt in Maine woods and streams — and to give them the benefit of not raising these fees again for the Department of Fisheries and Wildlife just to further expand that bureaucracy. It is time to put Huckleberry Finn and Tom Sawyer back in the fishing ponds, and I move and hope the Senate would support the indefinite postponement of this bill.

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

Mr. PRAY: Mr. President and Members of the Senate: In working on the original legislation itself in committee, on a number of occasions I sat down with a computer at hand and I went through the guidelines that the department set up as far as resistance and as to the number of licenses that would be sold and the amount of revenue that would be raised. On every occasion I came very close to the figures the department came up with. On this amendment that is before us now I did the same thing, and I came up with \$982,000, where their figures reflect \$650,000. I think there is a discrepancy somewhere there and I think we should find out where it is.

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

Mr. TROTZKY: Mr. President and Members of the Senate: The Fish and Game Department has been called on to help administer many of our environmental laws, such as some of the LURC statutes and the Great Ponds Act, and it is important that these are administered right and that we do get action quickly for our constituents.

I also want to mention that the Fish and Game Department has active research programs in fish and game management of different species. They are responsible for stocking our streams and our lakes, and so on, and let me say that our tourist dollars depend in many cases upon people having a good experience in fishing in the State of Maine.

The license fees, as I look at the bill, are very modest, a dollar or two for local residents, and the burden goes on out-of-state fishermen and hunters. Let me say that the out-of-stater who is looking for a place to fish can't find many other places in the northeast to catch fish, except for the State of Maine, so I think he and she are going to come here anyway. So I hope that this bill will be supported.

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

Mr. O'LEARY: Mr. President and Members of the Senate: When I look at this sheet that was distributed by the good Senator McNally, I have to look at the unencumbered balance of \$1,276,000, and I remember back 10 years ago when the same balance was a little over \$250,000. So when I vote on this I have to remember and remind myself that each year, at this kind of figuring, they have put in the unencumbered cash balance approximately \$100,000.

Now, the unencumbered balance, as I understand it, is for when the woods are being closed and it is for fire protection. However, I would submit that the fire protection for the woods of the State of Maine is a part of Forestry, so I will support the motion to indefinitely postpone.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that L. D. 566 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 Carbonneau, Clifford, Conley, Graham, O'Leary, Pray and Reeves.

NAYS: Senators Berry, R. N.; Cianchette, Collins, Cummings, Curtis, Cyr, Danton, Gahagan, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, Merrill, Roberts, Speers, Thomas, Trotzky and Wyman.

ABSENT: Senator Berry, E. F., Jr.

A roll call was had. Seven Senators having voted in the affirmative, and 22 Senators having voted in the negative, with two Senators pairing their votes and one being absent, the motion did not prevail.

Thereupon, the Bill was Passed to be Engrossed in concurrence and, under suspension of the rules, sent forthwith to the Engrossing Department.

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

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

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

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

#### Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Establish Rules for Legislative Investigating Committees", (H. P. 898) (L. D. 1085), the President appointed the following Conferees on the part of the Senate:

Senators:

CURTIS of Penobscot  
WYMAN of Washington  
GRAHAM of Cumberland

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

#### (Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Recessed until 3:00 o'clock this afternoon.

#### After Recess

Called to order by the President.

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 study of (H. P. 603) (L. D. 746) "An Act Concerning Loans Made by Savings Banks for Housing Meeting Certain Energy Conservation Standards." (H. P. 1540)

Tabled — April 28, 1975 by Senator Speers of Kennebec.

Pending — Passage.

(In the House — Read and Passed.)

Mr. Roberts of York then moved the pending question.

Thereupon, the Joint Order received Passage in concurrence.

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 to study recordkeeping practices, public and private, within the State. (H. P. 1597)

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

Pending — Passage.

(In the House — Read and Passed.)

Mr. Corson of Somerset then moved the pending question.

Thereupon, the Joint Order received Passage in concurrence.

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 Judiciary to study the costs and effectiveness of Maine's correctional system. (S. P. 528)

Tabled — May 21, 1975 by Senator Speers of Kennebec.

Pending — Passage.

Mr. Collins of Knox then moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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 thru Committee on Natural Resources to study landuses. (S. P. 539)

Tabled — May 29, 1975 by Senator Speers of Kennebec.

Pending — Passage.

Mr. Trotzky of Penobscot then moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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 thru Committee on Transportation study the condition and operation of the Maine State Ferry Service. (S. P. 543)

Tabled — May 29, 1975 by Senator Speers of Kennebec.

Pending — Passage.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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 thru Committee on Health and Institutional Services to study the practice of deinstitutionalization. (S. P. 552)

Tabled — June 5, 1975 by Senator Speers of Kennebec.

Pending — Passage.

Mr. Hichens of York then moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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 study of methods of restructuring electrical utility rates. (H. P. 1723)

Tabled — June 19, 1975 by Senator Speers of Kennebec.  
 Pending — Passage.  
 (In the House — Read and Passed.)  
 Mrs. Cummings of Penobscot then moved the pending question.  
 Thereupon, the Joint Order received Passage in concurrence.

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 study of L. D. 1652. (H. P. 1739)  
 Tabled — June 19, 1975 by Senator Speers of Kennebec.  
 Pending — Passage.  
 (In the House — Read and Passed.)  
 Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matters:  
 Joint Order — Relative to Legislative Council study of state-regulated casino gambling. (H. P. 1586)  
 Tabled — May 16, 1975 by Senator Speers of Kennebec.  
 Pending — Passage.  
 (In the House — Read and Passed.)  
 Joint Order — Relative to Legislative Council study need for State Forensic Laboratory. (H. P. 1655)  
 Tabled — June 3, 1975 by Senator Speers of Kennebec.  
 Pending — Passage.  
 (In the House — Read and Passed.)  
 Joint Order — Relative to Legislative Council study of the Outer Continental off-shore drilling. (H. P. 1668)  
 Tabled — June 5, 1975 by Senator Speers of Kennebec.  
 Pending — Passage.  
 (In the House — Read and Passed.)  
 On further motion by Mr. Speers of Kennebec, the Joint Orders were Indefinitely Postponed in non-concurrence.  
 Sent down for concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matters:  
 Joint Order — Relative to Legislative Council being authorized through the Committee on Local and County Government to study the subject matter of L. D. 124, L. D. 1307, and L. D. 1819. (S. P. 529)  
 Tabled — May 27, 1975 by Senator Speers of Kennebec.  
 Pending — Passage.  
 Joint Order — Relative to Legislative Council, thru the Committee on Judiciary, reviewing and studying decisions pertaining to the areas of patients' rights. (S. P. 559)  
 Tabled — June 9, 1975 by Senator Speers of Kennebec.  
 Pending — Passage.  
 Joint Order — Relative to Legislative Council, thru Committee on State Government study the State Personnel System. (S. P. 578)  
 Tabled — June 11, 1975 by Senator Speers of Kennebec.  
 Pending — Passage.  
 On further motion by Mr. Speers of Kennebec, the Joint Orders were Indefinitely Postponed.  
 On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:  
 Joint Order — Relative to Committee on Judiciary to be authorized and directed to

conduct a study of Maine's Statutes on obscenity and pornography. (S. P. 582)  
 Tabled — June 17, 1975 by Senator Speers of Kennebec.  
 Pending — Passage.  
 On further motion by Mr. Speers of Kennebec, the Joint Order was Indefinitely Postponed.

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 study of efforts to restore Maine's AAA rating. (H. P. 1718)  
 Tabled — June 17, 1975 by Senator Speers of Kennebec.  
 Pending — Passage.  
 (In the House — Read and Passed.)  
 Joint Order — Relative to Legislative Council study of management jurisdiction over fisheries resources. (H. P. 1736)  
 Tabled — June 19, 1975 by Senator Speers of Kennebec.  
 Pending — Passage.  
 (In the House — Read and Passed.)  
 On further motion by Mr. Speers of Kennebec, the Joint Orders were Indefinitely Postponed in non-concurrence.  
 Sent down for concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:  
 House Reports — from the Committee on Transportation — Bill, "An Act Relating to Snow Removal on Accepted Ways." (H. P. 734) (L. D. 917) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.  
 Tabled — June 18, 1975 by Senator Speers of Kennebec.  
 Pending — Acceptance of Either Report.  
 (In the House — Indefinitely Postponed.)  
 On motion by Mr. Greeley of Waldo, the Bill was Indefinitely Postponed in concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following Specially Assigned matter:  
 Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 480) (L. D. 1760)  
 Tabled — earlier in today's session by Mr. Conley of Cumberland.  
 Pending — Passage to be Engrossed.  
 The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.  
 Mr. COLLINS: Mr. President, there are several amendments to be offered to this bill. Some of them I will present and there are others in the hands of other Senators, and it might be an orderly fashion if we proceed in the order in which they are lettered. I will now offer Senate Amendment "A" to L. D. 1760 and move its adoption.  
 The PRESIDENT: The Senator from Knox, Senator Collins, now presents Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-352, was Read and Adopted.  
 Mr. Corson of Somerset then presented Senate Amendment "B" and moved its Adoption.  
 Senate Amendment "B", Filing No. S-353, was Read and Adopted.  
 Mr. Collins of Knox then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-356, was Read.  
 The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: I would just like to make one comment about Senate Amendment "C". This amends the gasoline franchises bill that we debated and passed last week. In a very minor sense it might be considered substantive, but it was presented and approved by our committee. It was received too late to get into the printed committee amendment. It is a very minor rewording of a sentence and was approved by both sides of the debate with respect to that bill.

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

The motion prevailed.

Mr. Conley of Cumberland then presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-360, was Read.

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

Mr. CONLEY: Mr. President, so that there will be no misunderstanding relative to this particular amendment, I did speak with the Chairman of the Judiciary Committee earlier this morning and also have been in contact with the Attorney General's Office today.

Some weeks ago I received a communication from one of our state television and broadcasting stations concerning this particular bill, that is regarding drug advertising, and I would quote from that letter. It says, "Title 21, U.S. Code Section 843, prohibits the advertising anywhere of illegal controlled substance drugs. There is nothing in any regulation which prohibits the advertising, including price, on legally prescribed drugs." In my discussion with this gentleman also on the telephone, he found through research by his attorneys that the bill, as it presently reads, is unconstitutional relative to this particular section.

I just came from talking with Mr. John Benoit of the Attorney General's Office, who has also apparently written a letter to another member of the Legislature who inquired of this particular section within the bill, and it is also his opinion that he considers it to be unconstitutional. Therefore, the reason for this particular amendment.

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

The motion prevailed.

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

Mr. COLLINS: Mr. President, these are all of the amendments to the bill itself of which I have knowledge coming into the Senate. There are now several amendments to Committee Amendment "A" to the bill. In the same manner, I think it would be orderly if the sponsor of Senate Amendment "A" would proceed and then we will follow along.

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

On motion by Mr. Curtis of Penobscot, the Senate voted to reconsider its former 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-355, to Committee Amendment "A" was Read and Adopted.

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

Senate Amendment "B", Filing No. S-362, to Committee Amendment "A" was Read and Adopted.

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

Mr. COLLINS: Mr. President, I have not found in our books as yet any Senate Amendments "C" or "D" to Committee Amendment "A", so perhaps they have not been brought forward. I will therefore proceed with Senate Amendment "E" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "E" to Committee Amendment "A" and moves its adoption.

The Secretary will read the amendment. Senate Amendment "E", Filing No. S-361, to Committee Amendment "A" was Read and Adopted.

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

Mr. COLLINS: Mr. President, there is one further amendment just handed to me which is not printed. This forthcoming amendment may be with us before I finish talking, but if not, I hope someone will table this matter for a few more minutes so that we can bring it all to a conclusion.

I would just like to comment on two or three things in this errors and inconsistencies bill. Our committee tried to stay within the parameters of those words, "errors and inconsistencies". Sometimes there is a little disagreement about how big those words are, and in two or three instances I feel that I should call to your attention areas where there could be some dispute as to whether we are within those parameters.

The first item I would mention is that we have included a provision which would extend the life of the Criminal Law Revision Commission. This is the commission that produced the original draft of the Maine Criminal Code that we have adopted and which has now been signed into law. That code becomes effective next March 1st. Even as we were finishing our work on that bill, the Supreme Court of the United States announced a decision that has some bearing on the definitional material in that act concerning manslaughter. There has also been some new definitional material with respect to the identification of different types of marijuana. It was felt that these new problems in our criminal law should not be hastily attacked, that they should be carefully studied and then that our law should be corrected. Fortunately, the commission still has a little money left, federal money, that it can use to study those two questions and also a few other questions about the application of the code in other areas of our criminal law that are not touched by the general code. For this reason, we felt it appropriate to continue the life of this commission until next March 1st so that it might work on these inconsistencies for us and, hopefully, submit to the special session those remedies that would bring the code up to its very best position.

On the first page of Committee Amendment "A", which appears in your notebooks, the filing number I think is S-351, there is a rewriting of certain sections of L. D. 1035 which had to do with public records and confidentiality. The first two paragraphs of that section do not change the meaning of it at all, as we understood it. The second and third provisions, however, were inserted at the request of the Attorney General's Office, and the justification of inserting those sections was that there are certain constitutional problems with regard to the lawyer's work product, particularly in criminal prosecution. There are certain papers that a lawyer works with in preparing the prosecution of a criminal case which may be discovered by the opposing party, the defendant accused of a crime. The Supreme Court of United States has developed a body of law indicating what papers may be reached and what may not be reached, and it is my understanding that the Attorney General's Office has attempted here to describe those papers that may not be reached under federal constitutional law. I do not claim to have the scholarship or to have spent the time to substantiate that, but that is in general what the Attorney General's Office thought.

The very last provision was changed so that the confidentiality of inter-intraoffice memoranda would not include public officials involved in the legislative process. This would mean that in the future, for example, if you file a bill for drafting, that it is not secret and confidential until you extract it from the files. It is a public record. I think that should be brought to your attention.

Section 44-A of the bill has to do with a minor adjustment regarding farm motor truck fees from September into October, I think is the way it works. I guess you would call that an Aroostook County type of correction.

Section 44-B has to do with pole carriers, tag-along vehicles. This is an area I know very little about. We did accept it as a committee item that we could recommend.

Section 51-K will probably receive considerable debate in the other body.

Section 80 was delayed until March 1st, again because of a constitutional question which arose after the adoption of what we call the long arm statute which gives our authorities greater scope in prosecution of cases. We felt justified in including this because we would not intend to pass something that might be unconstitutional and we did not realize that it was. It was only subsequent developments that have raised that question. And by postponing the effective date, we will have an opportunity to make a correction if one is required. Thank you, Mr. President.

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

Mr. CLIFFORD: Mr. President, I have an amendment which has been typed and is being reproduced. I believe it is an amendment to Committee Amendment "A". I would appreciate it if someone would table this for later in today's session.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Adoption of Committee Amendment "A".

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

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)

Tabled — Earlier in Today's session by Mr. Conley of Cumberland.

Pending — Motion by Mr. Speers of Kennebec to Suspend the Rules for purpose of Reconsideration.

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

Mr. SPEERS: Mr. President, there is an amendment that is needed to this particular item and I now move the pending question.

The PRESIDENT: Is the Senate ready for the question?

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

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-354, was Read.

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

Mr. BERRY: Mr. President and members of the Senate: This Senate Amendment "A" takes out of the bill any reference to the classified service provisions in the bill itself, and leaves only a schematic arrangement showing the relationship between the Bureau of Audit, the Legislature, the Legislative Council, and the Performance Audit Committee for the future conduct of the business of the Bureau and those three respective other entities.

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

The motion prevailed.

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

Sent down for concurrence.

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

The Committee of Conference Report: Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor. (H. P. 16) (L. D. 24)

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

Pending — the motion by Mr. Curtis of Penobscot to reject the Committee of Conference Report.

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

Mr. BERRY: Mr. President and Members of the Senate: I want to speak against the motion of the Senator from Penobscot, Senator Curtis, to reject the Committee of Conference Report.

It has taken a long time to get this matter to a position where it has the remotest chance of passage. I think that probably describes the posture of the bill at the moment. I think we are fooling ourselves if we are going to try to settle for much else than we are going to vote on

here. Whether anybody is maneuvering to get the credit for passage of this constitutional change or whether they are maneuvering to take the blame for its defeat, I do not know, but I see the factors lined up here which can very easily kill this bill through a misunderstanding of its present posture.

We are all familiar with the various possibilities of replacing the Governor's Council. It might almost seem a waste of time to get into the matter of why we do need to replace the Governor's Council. I am sorely tempted to touch lightly on the subject, however, I think the Governor's Council is anachronism, I think it is a deterrent to proper functioning of state business. I think it was a millstone around Governor Curtis's neck, I think it is a millstone around Governor Longley's neck, and its continued existence will assure its similar role in the future. It is a hangover from colonial days when we had to protect ourselves from the prerogatives of royalty, and it long since has lapsed into merely an instrument of obstruction and no longer furnishes advice and council to the chief executive.

We charge all sorts of responsibilities to the Governor. We reorganized the government two and four years ago, and about the only thing left now to do is to perform an act of surgery as far as the Governor's Council is concerned.

I think if everybody will examine their, what I call legislative hearts, and evaluate the possibilities of the several alternatives, I feel sure that you will agree with my evaluation of the present situation that there are two possibilities of all those proposed that we face. I would hope that my previous rather terse remarks will dispose of Senator Wyman's little baby which would keep the council in existence.

The two viable alternatives are to put the confirming powers in the hands of the Legislative Council or to put it in the hands of a committee or commission. I think we are playing and toying with the impossible if we think that the Senate will end up as the confirming body, and I think adherence to this will only serve to quickly bring about the defeat of the measure, a situation I am sure that most of us deplore.

I recognize very plainly the pitfalls and the dangers of the committee of five and five so-called. But I think that we have to be pragmatic about the situation, which has been the thrust of my comments so far, and that is that if we are going to eliminate the council we are going to have to swallow some philosophical acid and go along with some things we don't like. I think this is what each of us is going to have to ask ourselves: do we want to get rid of the council, in the first place? And obviously the answer for some of us is, no, we don't want to get rid of it, we want to continue this anachronism, we want to continue inefficient state government. But to the vast majority of us in this room, we do want to get rid of the Governor's Council. And what price do we have to pay? I say that each of us is going to have to pay a price because the only one that perhaps all of us will be satisfied with is totally unacceptable to the other body.

The pitfalls of the five and five committee, I think, are the setting up of another group in the legislature which will have power, which will be able to wheel and deal, which can trade off approving appointments for certain favors of a legislative nature. But I think that another legislature can go through the soul searching, it can make changes that the

price to pay for the possible — I will say probable — problems to arise out of the five and five set-up that can be settled by the next legislature, that we will have crossed the bar when we have made the decision to abolish the council and have paid the price of perhaps accepting a method on which we don't agree.

So I would hope that you will very carefully evaluate the situation in which you find yourself at this moment, because I can assure you that you will not find yourself in this position again very soon. So I would hope that we would defeat the motion and accept the Committee of Conference Report.

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

Mr. CURTIS: Mr. President and Members of the Senate: I rise in support of the motion which I made earlier today, and would suggest that I am concerned by the argument that the reason we should accept the Committee of Conference Report is because any other alternative is totally unacceptable to the other body. In addition to it being improper to debate what may or may not be thought of, discussed, debated and determined in the other body, I would suggest that what we ought to do, especially when we are talking about the Constitution of the State of Maine, is to build for the future and plan to do what is right and what is responsible.

The basic objection that I have and I think that most of our fellow citizens in the State of Maine have with the Executive Council is that it is not accountable. I would suggest that the proposal of five Senators and five representatives who would be chosen by their colleagues here in the legislature has the same problem of a lack of accountability, and that the most sensible method of providing for confirmation of important appointments is that which is used by about 38 other states and by the federal government. And that is that the Senate, totally elected directly by the people, requiring the facing of the people in the next election, be the confirming body.

While we are discussing the replacement of an anachronistic seven-member Executive Council, we should think in terms not of just a cosmetic change to a ten-member legislative council, but to the substantive issue that should be decided of who is going to be ultimately responsible for confirming the appointments made by the Governor. Again, I would suggest that confirming body ought to be one which is directly accountable to the people of the state. We should build for the future, and now is our opportunity.

The other body has yet to be faced squarely with the issue of the Senate as a confirming body, and I think that if they were faced they would give it due consideration, and that yes, that sensible proposal does have a chance of enactment.

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

Mr. KATZ: Mr. President and Members of the Senate: Every session that I have been here we have had a current services budget and every year I have been here we have had a question of abolishing the Governor's Council. And every year that I have been here the Senate has properly and righteously indicated that the Senate is the proper replacement. I hope that some of you remain along for another ten sessions and go through the same experience that every year there will be a bill to abolish the Governor's Council and

every year the Maine Senate will piously say we are the ones to do it. But I have a feeling that it is proper in every respect to take action now to make the kind of a change the people have said they want.

I would take strong issue with my good seatmate, the Senator from Penobscot, Senator Curtis, in some of the conclusions he draws. Each of us is elected by the people and we are accountable to the people every two years in an election. Were a legislative group to be selected to replace the Governor's Council, it would introduce accountability that presently does not exist, and the change would not be a contrived change, it would be a very real change indeed. I have a feeling that a legislative group, no matter what the group might be, is readily accessible to the views and the inputs of colleagues within both houses.

It has been suggested that the five and five suggested by the conference committee is a cosmetic change, it is a radical departure from the things we have been doing ever since the beginning of the state. It has been suggested that we build for the future, and I suggest that the future will stretch out endlessly unless this particular legislature takes action.

The other body has had two separate occasions, once in a non-concurrent bill, and the second in the Conference Committee Report, two separate whacks at the question of the Maine State Senate being the alternative to the Governor's Council, and both times it has said "No."

I would like to call to your attention the specifics of a conference committee report, which you will find actually in the Committee "B" Report, under Filing H-584. What does this proposed change do? It gives five members of a confirmation committee in each house, and it specifies that no more than three shall belong to any political party. It is flexible. If it turns out here some day that we have a third party or whig party or an independent group, it is flexible enough to accommodate whatever happens in the future.

There are many of us here who feel that leadership through the Legislative Council should have the option of acting for the legislature in this respect, and I call to your attention that the beauty of the conference committee report is that the constitutional amendment makes it possible for future legislatures to decide whether they want ten people at large from the two houses, five and five, or whether they want five leadership from both houses. And I am sure that nobody here knows what future legislatures are going to do.

So if you think it is a pretty good idea that the legislative leadership should be the confirming body, I would urge you to vote against the motion to reject the Committee of Conference Report because that is the way a subsequent legislature may decide to do it. If, on the other hand, you don't feel that legislative leadership should be the confirming body, but that there should be five members at large from both houses from the floor, I urge you on that basis to vote against the motion to reject Conference Committee, because the beauty of the Conference Committee Report is that it takes the Governor's Council out of the business, it puts the legislature in, but it leaves it to future legislatures to decide just on what basis.

I say that this Conference Committee Report is flexible, it is responsive, and it is responsible. It may not be exactly what the members of the Maine Senate want, but I



think it is a darn good alternative. And if ever, ever, ever you have had any notion of seeing the end of the Executive Council, I would say the time is now and the Conference Committee Report is an excellent option.

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

Mr. MERRILL: Mr. President and Members of the Senate: I have long been very interested in doing away with the Executive Council. I think that my interests in that is similar to most of the members of this body and most of the people of the public. It is really struck by the fact of how we envision the role of Governor and what we want our Governor to be able to do. I think the office of Governor is an important office, and I think that the Governor ought to be able to have his own people in his cabinet positions, and I think that he ought to be able to make these appointments free from the game playing and the trading process, and the you give me this and I give you that, that has gone on for the last how many years with the Executive Council. That is what upsets us about the Executive Council, and that is why I think it is important that we have a group of people who are elected directly by the people, a group of people that has some size in numbers, and a group of people that have enough other important things to do so they don't spend their time finding ways to erode the powers of the Governor.

This report does nothing to correct any of those wrongs. The only thing that can be said for this report is that it is sellable to some people. That is the argument that we have heard. It is a darn poor way, I submit, to write the Constitution of the State of Maine. I look at this report, it is supposed to be an excellent report, and going beyond my general objections to it and trying to look at it specifically as something that is going to be written into our constitution, I see there will be five members of the House and five members of the Senate, and that is an even number, but it is far from excellent thinking. I think if I was going to have a group of people that would be making controversial decisions, I think I would try to have an odd number so that you wouldn't end up with ties.

But then we go on to find that there shall be five from each body and they are going to be elected, and that two will be from the minority party, and they will be elected by the majority of the body, I presume. So that means that — talking about the other end of the hall, so that it won't be too close to home — that if the makeup were the same next time around, the 90 Democrats would get together and they would elect two Republicans. Well, I hope the Republican Party would be satisfied with the type of representation they would get on this body with that election process. But if they were satisfied, I wouldn't be satisfied that the Democrats had done their job. And the same will go up here, minority representation, but the minority is chosen by the majority, or at least it would seem so in reading this amendment.

Now, the other question I have is that if we are going to have this group of people, and they are going to be elected at the beginning of the legislative session, who is going to serve on this committee? I think there is a very good chance that the people who would be elected to this committee would be the people who sought leadership

and lost. Frankly, thinking over the types of individuals that fall into that category over the last ten years, I don't feel that we would be doing much to improve the situation that the Governor is in, in terms of being able to run the executive branch of this state. And that is, I think, where the concern with doing something about the Executive Council comes from.

So I am not going to accept this report, for the general reasons and the specific reasons that I have stated here. And it is my hope, even though the hour is late, that we can come to a compromise that will be a real compromise, and that it will address the real objections that all of us have or most of us have to the Executive Council. I think that it is going to require some statesmanship, but I am not as convinced as some of my colleagues are that that won't be forthcoming.

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

Mr. CIANCHETTE: Mr. President, it is a rare occasion indeed and it gives me a great deal of pleasure to stand here and debate on the side of the Senator from Cumberland, Senator Berry, and the Senator from Kennebec, Senator Katz. I don't know that I have done that before this session. But I think they are right in this case.

What we have heard for different offers and what we are talking about with the Conference Committee Report may not be the ideal situation. We may never in the legislature of this state find the ideal situation, and if we wait for that day, by the same token, we will never abolish the Governor's Council.

The objection of the Senator from Cumberland, Senator Merrill, to the even numbered board I think works out very well. A tie vote means that the motion does not carry. It takes six to carry a motion, the same as though you had 11 members on the committee. I don't think that is a problem, by any means, I don't think it is poor planning and I don't see it as a problem.

Let's face it, the Conference Committee Report is a step in the right direction. It is an improvement over the system we have today, if we cannot achieve the ideal. And let's not kid ourselves, this session is not ready to let the Senate be the confirming body. That is my opinion, very firm opinion, and I expect that if we persist, that will go down in history too. Because we are heading in the right direction and because we have a saleable Conference Committee Report, I believe, saleable in this body and saleable in the other body, I think it is applying practical politics to a problem we have.

I don't think there is any question in anybody's mind that the large majority of the people in the State of Maine want the Executive Council abolished. I think the main reason they want it abolished is because it always has been, and under the existing rules remains to be, a partisan body. We need to change that, if nothing else. This Conference Committee Report would change that, to say nothing about — I am going to estimate — \$100,000 savings in expenses of running that Council.

So I just want to ask you right now what is important before this body. Are we really concerned about abolishing the Executive Council, or do we want to quibble about who is going to take over its duties? I say that the overriding argument here we are facing today is that

we should abolish the Executive Council and accept a reasonable substitute, which we have from the Conference Committee Report. So I urge you to reject the motion and accept the Conference Committee Report.

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

Mr. COLLINS: Mr. President and Members of the Senate: I am one of the signers of the Conference Committee Report. I thought about it a good deal before I signed. I went back to my files and drew out a work done in 1959 by then Professor of Government Vose at Bowdoin College, one of the more scholarly and accurate works about the Governor's Council. I think I have explored all of the possibilities probably as well as most of us and I haven't found any perfect solution.

I really haven't heard any very convincing arguments about why the Senate is a better confirming body than this sort of committee. The only reason that I think of is that the entire Senate does represent by direct election all of the people of the state. But we know that in any body of this type many decisions are made on a caucusing basis by the majority party in control at any particular time.

The value of having a body different than the present council, whether it be the Senate or this committee of five and five, as I see it, is that there is a value in bipartisan consideration. I think we know that there is a value in competition and in criticism, each party of the other. This is part of the genius of our own political system and process.

I may have missed something in the remarks of the good Senator from Cumberland, Senator Merrill, and if so I apologize, but I would certainly like to hear from him what his very best and most perfect solution would be to this problem.

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

Mr. MERRILL: Mr. President, the Senator from Knox, Senator Collins, in asking for a perfect solution, I am afraid, sets a standard to which even I can't attain, nor he, I am afraid. But I do think that we have to look at what the objections to the present council are and what this proposal would do to overcome those objections.

There is one objection that the Senator from Knox, Senator Collins, pointed to that this would overcome, and that is the objection that the present council is made up of members of all one party. Well, if that is the only objection that anybody has to the present council, and if they are concerned about doing away with that, then I suggest that they refer themselves to the document that is Committee Amendment "B", and ask themselves is it really the spirit of non-partisanship to have the majority elect two members from the minority, or to have that be possible as the constitution is written. That is not bipartisan. Two members of the minority selected by the majority is to assure that voice, that important voice of two thoughts? It is a hoax.

Now, there are other reasons that I think we should be concerned about doing away with the Executive Council. One is that we should try to have a group that is elected by all the people of Maine and that is responsible to the people of Maine, and that has the job of confirming appointments because the people of Maine elected them and that is one of the jobs

they elected them to. This group won't be elected directly by the people of Maine. That isn't why these ten people will be in that position. They will be in that position because they are elected to be representatives or senators and then their colleagues choose them, one step removed from the people, to be on this board. That is the legitimate objection I have to the present council and to this plan.

Furthermore, I have the objection that the group is too small and that the group will be able to concentrate a great deal of its time on this, if it so wishes, and that I am afraid the same sort of trading process we have seen over the years would continue. That is my real objection.

I don't think the Senate is perfect. Somebody said to me earlier that there are 19 good reasons why the Senate shouldn't be the confirming body. But I do think, as a Democrat and as a person that is certainly, in listening to my constituents, in no way assured that I will be back here again, that the Senate is the logical place for this to reside. 30 some odd states have done it that way, the United States does it that way, and I think it has worked very well. The fundamental objections I have to the council aren't solved by this committee amendment, and I think they would be better solved by the Senate, and that is the reason I would accept and would urge, and have continued to urge, the imperfect solution of having we imperfect mortals that sit in this Senate, or our successors, be the people who advise and consent to the Governor's appointments.

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

Mr. CYR: Mr. President and Members of the Senate: I cannot buy this program of five from the other body and five from this body. My reason is that these ten people would be on the hotseat throughout the session. They would be bombarded by demands and requests of their colleagues, and if they didn't submit themselves to some of these demands, in many cases you would find that some of their colleagues would take reprisals on them on their legislation that they have introduced.

Also, I would like to bring your attention to the structure of this. Three from the majority party and two from the minority party. Well, the majority party has the chairmen of these legislative committees. And so far this year you haven't had enough Senators from the majority party to chair only one committee. We have seen throughout this session Senators chairing two and three committees and doing very poor justice to some of these committees. And they are the ones that will admit themselves that they have done a poor job. Probably on the major committee that they sit on, that they chair, they have devoted all of their time, but very little on some of the other committees that they are chairing. Now, if you give them some more responsibilities, what do you think is going to happen?

Our leadership, for the most part, do not introduce legislation because they haven't got time to shepherd it. Our leadership also, in most cases, do not introduce legislation because they do not want to put themselves in a bind in regard to their colleagues. Now, what do you think is going to happen to this committee here, when you have five members sitting on very important appointments, being requested by their colleagues to be either for or against this? I think this would be irresponsible on our part.

If we are going to eliminate the

Executive Council, let's look ahead and do it in a responsible way. And I think the responsible way is what 38 other states are doing in having the Senate as the confirming body. That is the way I am going to move. I would rather have the Executive Council as it is, with all the inequities and the drawbacks that we have had for years, I would rather accept that than to try to eliminate them and replace them with a body that we know will not serve the State of Maine properly.

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

Mr. CURTIS: Mr. President and Members of the Senate: The Senator from Knox posed a question as to what might be the perfect solution for the problem of appointment and confirmation, and I would suggest that perhaps when we have a philosopher king seated on the second floor that it may be the perfect solution. Until that time we need some mechanism, and I would suggest that the proposal that was originally in Report "C" from the State Government Committee provides the simplicity, the existing mechanism of the State Senate, and is one which works for our federal government and for most of our fellow state governments.

We discussed this at some length in the committee as we analyzed the various possibilities. And the solution that I liked the best was the one in which the Senate would have been the ultimate confirming body, thereby providing the accountability which I think the people of the state so badly want, and that by joint rule the legislature could establish that there would be recommendations from the various joint standing committees, thereby giving an opportunity for the expertise which we are developing, and have been over the past few years, in our joint standing committees in specific areas of concern, to consider appointments and make recommendations to the Senate. For example, the Judiciary Committee might very well, and should I think, consider and make recommendations on the nominations of judges. The Agriculture Committee should consider and make recommendations on the matter of the nomination of the Commissioner of the Department of Agriculture, and so on for Marine Resources and the various other departments.

That is why I think, as I said before, when we are planning for the future we have to be very careful and not work for the easy to obtain compromise, but really write the constitution the way it should be written. When the vote is taken I request a roll call.

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

Mr. CONLEY: Mr. President and Members of the Senate: First of all, I want to commend particularly the good Senator from Cumberland, Senator Merrill, who has taken it on his own to give many hours of his time when not in session to try to work with members of the other body to bring about what we consider to be a fair solution to the abolishment of the Executive Council. I am sure that on the Committee of Conference Report before us today the good Senator has clearly stated what his position is relative to that and also shares the same viewpoint that I have. I think, at best, it is probably the worst solution that has been talked about in the legislative halls over the last several months.

There have been several alternatives that have been mentioned. And if there is one thing that I dislike about this particular proposal, it is cutting the thing down to five members of each branch. I would much rather see, and I was one of those that first, when the suggestion was made or the proposal was put forth, at least I sort of half-heartedly rejected it, but it certainly makes more sense to me today, far more sense to me today than this particular item, and that was for the confirmation powers to take place in both bodies. That makes much more sense.

It appears to me that the Committee of Conference Report is parochial in nature in the sense that what it is trying to do is give a voice in both houses. I can agree with that. But I cannot agree with it being in the numbers of five and five. I think we would be far better off, as some one has stated here this afternoon, to have the present Executive Council continue to exist under the present laws that they are operating under. This here, to me, is just ludicrous.

I would hope that the Senate would reject the Committee of Conference Report and ask for another Committee of Conference so that we can get down and possibly by tomorrow resolve this very important question. And I am certainly disturbed when people are concerned about their political image when they go back home for the fact that they didn't tackle the problem before them. I tell them to put their parochialism aside and to sit down and try to iron out this problem and we can get this resolution adopted.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion by the Senator from Penobscot, Senator Curtis, that the Senate reject the Committee of Conference Report and ask for a second Committee of Conference. A "Yes" vote will be in favor of rejecting the Committee of Conference Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLLCALL

YEAS: Senators Clifford, Conley, Corson, Curtis, Cyr, Gahagan, Graham, Hichens, Johnston, Merrill, O'Leary, Pray, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators R. Berry, Carbonneau, Cianchette, Collins, Cummings, Graffam, Greeley, Huber, Jackson, Katz, Marcotte, McNally, Reeves, Roberts.

ABSENT: Senators E. Berry, Danton.

A roll call was had. 16 Senators having voted in the affirmative, and 14 Senators having voted in the negative, with two Senators being absent, the motion prevailed.

Thereupon, the President appointed the following Conferees on the part of the Senate to the second Committee of Conference:

Senators:

CURTIS of Penobscot  
CORSON of Somerset  
CLIFFORD of Androscoggin

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

Bill, "An Act to Correct Errors and

Inconsistencies in the Public Laws." (S. P. 480) (L. D. 1760)

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

Pending — Adoption of Committee Amendment "A"

Mr. Clifford of Androscoggin then presented Senate Amendment "F" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "F", Filing No. S-365, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendments "A", "B", "E" and "F", was Adopted and the Bill, as Amended, Passed to be Engrossed.

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

On motion by Mr. Speers of Kennebec, and under suspension of the rules, Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor. (H. P. 16) (L. D. 24), was sent down forthwith for concurrence.

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

Joint Order — Relative to Joint Interim Committee to study laws pertaining to annual excise tax on railroads. (H. P. 1518)

Tabled — April 23, 1975 by Senator Speers of Kennebec.

(In the House — Read and Passed.)

Mr. Speers of Kennebec then moved the pending question.

Thereupon, the Joint Order received Passage in concurrence.

#### Reconsidered Matter

The following Bill was held at the request of the Senator from York, Senator Marcotte, pending Consideration:

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

(Recalled from the Governor pursuant to Joint Order S. P. 603.)

On motion by Mr. Marcotte of York, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Enacted.

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

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

Senate Amendment "D", Filing No. S-363, was Read and Adopted.

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

Mr. BERRY: Mr. President, I wonder if the Secretary might read the title of the Bill.

The PRESIDENT: The Chair will read the title of the Bill: Bill, "An Act Concerning the Office of Energy Resources." (S. P. 549) (L. D. 1913)

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I don't want to delay things, but I noticed that the Senator from York, Senator Marcotte, had two amendments prepared, both on the qualifications of the director. And of the amendment that was just adopted, very clearly are narrow requirements requiring engineering, economics, energy

research. Could I have the thinking of why we are looking perhaps not so much for leadership as these technical qualifications from our leader?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair which the Senator from York, Senator Marcotte, may answer if he so desires.

The Chair recognizes that Senator.

Mr. MARCOTTE: Mr. President, this amendment is a compromise between the Office of the Governor and some of the members of the Legislature here. It is less restricting than the original bill because while it does state engineering, it also includes economics, energy research or the administration of energy programs. I think that this does take away some of the restrictions that the Governor opposed.

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

Thereupon, the Bill was Passed to be Engrossed.

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

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

Bill, "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 577) (L. D. 1928)

Tabled — June 12, 1975 by Senator Greeley of Waldo.

Pending — Passage to be Engrossed.

Mr. Greeley of Waldo then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-364, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

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

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

Bill, "An Act Increasing Motor Vehicle Registration Fees." (H. P. 1692) (L. D. 1930)

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

Pending — Acceptance of Either Committee Report.

Thereupon, on motion by Mr. Greeley of Waldo, the Majority Ought to Pass Report of the Committee was Accepted in non-concurrence and the Bill Read Once.

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

Thereupon, under further 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 Specially Assigned matter:

Bill, "An Act Relating to Motor Vehicle Fees." (H. P. 730) (L. D. 907)

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

Pending — Acceptance of Either Committee Report.

On motion by Mr. Greeley of Waldo, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once.

Committee Amendment "A" was Read and Adopted.

Under suspension of the rules, the Bill was Read a Second Time.

Mr. Conley of Cumberland then

presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-358, was Read.

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

Mr. CONLEY: Mr. President and Members of the Senate: I offer this amendment because I really think the Senate should be concerned as to what might possibly happen in the event that this Senate Amendment is not adopted. It is my understanding that there are somewhere in the neighborhood of 130 to 140 truck-trailers that are registered in this state, and yet by increasing these fees from \$5 to \$10 there is a very strong possibility that some of these registrations may be lost to other states, such as the State of Tennessee, where it is my understanding they currently can register them at a price of \$3.50.

I have a letter here and I would like to read just a portion of it to try to clarify exactly what the problem is. It is from one of these tractor-trailer firms that operate out of Boston, or at least their organization is there, and it states, "To the normal leasing company the State of Maine is not a good place to register trailers because some important states, particularly California and Iowa, do not accept Maine registration. Several years ago we contested action in both states on their refusal to recognize our Maine plates. In both instances we convinced these states that 'Xtra', which is the name of the company, 'is a bona fide resident of the State of Maine. We were successful partially because we established ourselves in Maine during the early days of the company's organization.'"

They go on to state that they "take pride in the image of the stability which we have maintained over the years, and on these grounds alone we would prefer not to register our plates elsewhere. But as you can see, the economics of the Tennessee registration, particularly when related to the proposed Maine increases, are leading us to seriously consider such a movement, should the proposed increase go through." He says he does not see that they have any other alternative, that the cost savings would be substantial and they would not encounter the same recognition problems which have been encountered in their early days when they were fighting to stay in Maine. "Should we remain in Maine, the recognition problem may come up again, thus, we have another reason to reconsider our registration policy at this time."

It is my understanding, Mr. President, that were these large firms to vacate the state, it could cost the Highway Department a great number of dollars. I believe that the good Chairman of the Transportation Committee can relate as to what that cost is and how this particular amendment would affect the legislation before you.

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

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: I think I have to oppose this amendment for the simple reason that this is part of the Governor's financing of the construction program. This involves about \$5,660,000, this L.D. 907. It also involves about 135,000 trailers

in the country, and less than 1,000 of those trailers are owned in this state. Some of these trailers are scattered not only all over this country but in some foreign countries. Some of these trailers are even in Hawaii and Vietnam, and if you will just imagine a change in the plates on these trailers, chasing them down and trying to change plates, I should think it would be quite a cost to these people that own these trailers.

I would like to say that the Maine Truck Owners Association have authorized me to tell you people, the members of the legislature, that they are perfectly willing to pay their ten dollars. I certainly oppose this amendment.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "A" to L. D. 907.

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

A division was had. Six having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

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

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

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

Tabled — June 23, 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.)

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

Mr. GRAHAM: Mr. President and Members of the Senate: I move the indefinite postponement of this bill and all its accompanying papers.

If there is one message I get from the public, it is that they don't want another tax, least of all a tax on gasoline. Proponents of this bill may sweeten the medicine with worthy causes, but that is like dusting a dose of castor oil with sugar.

The price of gasoline is soaring. Thousands of our citizens find gasoline a necessity in order to get to their jobs. This tax would not only be a hardship to many people but it would be, in my opinion, a kick in the teeth. I urge you to support my motion.

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

Mr. CYR: Mr. President and Members of the Senate: I oppose that motion. First of all, in this bill half of the revenues that will be generated by this cent increase would go to finance town road improvements, snow removal on town ways, and some of the state aid money. Also half of the gas tax, as you know, is paid by tourists, so right off the bat we have half of the money that is generated by this paid by outsiders.

This morning while listening to the news I heard the newscaster mention that Canada just increased — I think that should be very interesting, particularly to members from the northern part of Maine, because if we are higher than the Canadian gasoline, naturally we may be losing some business to the Canadians — but the news broadcast this morning stated that Canada has just increased its gas tax by ten cents, not one cent but ten

cents, and by July 1st or shortly after — I didn't get the last part exactly just when it was going to occur, but they are going to raise it by another five cents — it is either July 1st or shortly after. That is 15 cents that Canada is going to raise their gasoline tax, so they mean business.

As far as our own cost of gasoline is concerned here, I have traveled since the early part of May in Massachusetts and New Hampshire and bought gas in all of those places and, if anything, the cost of gas is higher in those places than it is here in Maine. So, for that reason, I will support this increase.

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

Mr. REEVES: Mr. President, I ask for a roll call on this please.

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

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I think I speak for all the people of the State of Maine when I say they don't want an increased tax. But then again, when they complain about the highways and the needs for keeping our highways improved in the state, and realizing the problems that the Department of Transportation went through during the previous two years with the shortage of gas and the resultant lowered income as far as their department was concerned, and also sort of being surprised this morning when I went to my favorite gasoline station here in Augusta and saw a big sign up that said 51-9/10 — as you have traveled around the roads here in Augusta you have seen the signs up 55, 56, and some even higher, and I asked the young attendant how come the price had gone down from 54-9/10, which it was last week, and he said the distributor came and told him they had so much gas that to see if they could move it. So there isn't that shortage, and he said the people aren't refusing to buy it at the price. So I think an added cent to our gasoline tax isn't going to be noticed that much, with the fluctuation we are having in prices right now. And in today's paper we see where Canada is proposing a 15 percent increase in the price of gasoline, so the people will come back into Maine to buy their gas.

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

Mr. KATZ: Mr. President, when this bill originally came out it had an emergency enactor on it, and I presume it still does, in which case it is going to take a two-thirds vote. I suspect that I probably am not going to vote for this on enactment, although I really don't know, but for the sake of an orderly flow of legislation, I urge us not to make too much of a fuss on it as a majority vote posture and to get it out of here and down to the other body. We will have ample opportunity to debate the merits when a two-thirds vote is required. On that basis, I suggest to the Senators who have already spoken that this is not a time to do or die.

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

Mr. PRAY: Mr. President and Members of the Senate: In reference to some of the comments made by the good Senator from York, Senator Hichens, as to the effect of a one cent increase, as an individual who is a dealer in gasoline. I would like to have this

body know that in the last two weeks the price of gasoline to me has gone up three cents on the wholesale level. So if we increase it also a penny on the tax level, we are going up four cents, and not a penny increase.

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

Mr. McNALLY: Mr. President, I would like to ask a question through the Chair of the Senator from Kennebec, Senator Reeves, if he could tell me approximately how many jobs will result from a one cent increase in the gas tax, being Chairman of the Jobs Committee?

The PRESIDENT: The Senator from Hancock, Senator McNally, has posed a question through the Chair to the Senator from Kennebec, Senator Reeves, who may answer if he so desires.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I was really waiting back with great anticipation for the answer to the question that was asked by the good Senator from Hancock, Senator McNally, of Senator Reeves, as I know how concerned the good Senator from Kennebec, Senator Reeves, is with unemployment.

Mr. President and Members of the Senate, what disturbs me today is that every time it has been referred to here in the debate, every time you pull up to a gas pump there is another two cents that has been tagged on. I guess it was a year ago that we were buying our gas, I think someone said, for 13 cents a gallon less than we are paying for it today. And where is all the money going? Nothing really rips me off more than to think that every time I go in with that guzzler I have got it gets me one round trip to Portland and back, and to the tune of nearly \$10, and I just think of Esso, Exxon, Socony, all of them, and all the boys over in Egypt just going off to another tea party. In the meantime, we are still suffering with unemployment, we are still suffering with the great problem of trying to move that vehicle from Portland to Augusta — sometimes I have to put a tap on the bride and see how her finances are.

Well, I am going to support this gas tax today and I would hope, like the good Senator from Kennebec, Senator Katz, has stated, that we will at least let it get down into the other body and let it be debated, where it is going to take a two-thirds vote to get it through. I recall to your mind, regardless of the fact of whether this goes down to defeat or not, let us remember what we read in the newspapers daily that gasoline will be selling at one dollar per gallon or 75 cents a gallon by summer's end, and not one nickel, not one red cent of it, is going to benefit the State of Maine. Every bit of it is going back to the good old oil companies to help them stay a little wealthy, and the taxpayers of this state aren't going to see anything in return from it. With the one dollar or three dollars that was put on by the President a little while back — I don't know if the three bucks is on now or not, but eventually because of that three dollars, it is going to soar the cost of gasoline and fuel up. So at least I would hope that by adopting this tax measure this afternoon, at least in its first reading, that we can have perhaps for a short stay the thought that the state is going to

become a little wealthier by one penny, until it comes back here for final enactment.

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

Mr. CYR: Mr. President and Members of the Senate: I am glad to hear the good Senator from Cumberland, Senator Conley, has seen the light. When he started his presentation I thought sure he was going to oppose this, and I was going to get up on my feet and ask him where he was going to get the money for his bicycle trail. In fact, \$60,000 is supposed to come out of this for those bicycle trails.

I forgot to mention when I was on my feet before that there are the town road improvement funds and snow removal, which amounts to about 4.7 million dollars, that would have to be picked up by the local communities, so it would go onto your property tax. One cent is supposed to generate about 10 million dollars annually, so there is over another 5 million dollars which will be left over, which would be matched by federal money and would generate about 20 million dollars. So I think that is very important to consider.

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

Mr. CONLEY: Mr. President, those aren't my bicycle trails that the good Senator from Aroostook, Senator Cyr, speaks of. But I can guarantee him one thing, that if the price of gasoline continues to rise, the bicycle trails are already built.

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

Mr. SPEERS: Mr. President, speaking as the Senator from Kennebec and not as majority leader at this point, I would simply like to point out that I don't feel that all of the options have been discussed, in the debate on this particular bill.

This body just passed two additional bills which I am told will raise as much money or nearly as much money as the one cent in the gasoline tax. I am speaking, of course, of the raise in the motor vehicle fees that is in the Governor's program, and also a raise in the motor vehicle registration fees. It seems to me that this body has already, having passed those two matters and sent those down to the other branch for consideration, has given consideration to an alternative to raising the one cent gasoline tax, and I certainly have no objection to having the gasoline tax go back down to the other body again. But I do hope that each of us will express our own preference with regard to how we can raise the needed amount of money, the admittedly needed amount of money, so that we don't put an additional burden on the property tax of the various towns around this state. It is my individual feeling that the better way to raise it is through the two bills that we have just passed rather than the additional penny on the gasoline tax.

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

Mr. REEVES: Mr. President and Members of the Senate: I did promise that I wouldn't say any more, but I feel the question from the good Senator from Hancock, Senator McNally, does deserve an answer: how many jobs are involved in this gas tax? I wonder what plans would be cancelled if this bill is defeated, what plans for jobs? I know of no jobs that are on the line with this tax.

As Senator Speers has indicated, there are other options for raising this money when it becomes necessary. And what does the Governor say? Is he asking for this tax to create jobs? We hear nothing from him on this. I hope that in the future, if certain recommendations of the Jobs Committee are implemented, there will in fact be a jobs impact statement connected with these type bills.

Actually I am really tired of tax bills and tax breaks being sold to us on the basis of jobs, and I would like to ask in return how many jobs were on the line when we passed the tax break for Sabin Chemical. I don't think it is possible to sell these bills on the basis of jobs when it is done on the basis of vague generalities.

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

Mr. CYR: Mr. President and Members of the Senate: In answer to the good majority leader, I would like to point out that the two bills that we sent to the other body previously involved raising fees, and the entire burden is on our people. While if we raise the gasoline tax by one cent, from all the records we have, we know that half of the money will be paid by outsiders.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: I am going to oppose the motion to indefinitely postpone. When we get back to jobs, if I remember right, about the last of February the Governor gave the Commissioner of Transportation authorization to take \$2,700,000 out of surplus to match federal funds to create some jobs. This set up a program of around \$19,000,000. I will admit that most of it was for Interstate, but it did make jobs. By doing that, taking \$2,700,000 out of surplus, which was allocated for the retirement of bonds, we have got to replace that somewhere along the line, so we added \$2,700,000 to the bond issue.

I would like to say that half of the states in the United States have got legislation in the legislatures this winter to increase the gas tax from one to three cents, so we are not alone.

Another thing I would like to bring out is that the State of Maine has 140 miles more to administer than the total of Vermont, New Hampshire, Massachusetts and Rhode Island combined, we have 11,800 miles of road. Our income per mile on the gas tax is \$4100 a mile. New Hampshire is about \$8,000, Vermont is about \$8,000, and I think you will find Massachusetts is up around \$50,000.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I received a letter from the chairman of the board of selectmen in the Town of Eddington, Maine, and he was complaining about the property tax. He mentioned in the letter very specifically that there is no reimbursement for snow removal and no monies anticipated for town road improvement. At the end of the letter he writes, "I would appreciate having the Governor and members of the Legislative Leadership here to help answer the phone for me when the increased tax bills go out, especially when it was anticipated during the town meeting in March that there wouldn't be an increase."

I think we are trying to right now to remove some of the burden from the property tax and this is one of the ways we can. So I hope you will vote against the motion to indefinitely postpone.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Graham, that L. D. 1332 be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Graham, that L. D. 1332 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.

#### ROLL CALL

YEAS: Senators R. Berry, Gahagan, Graham, Reeves, Speers, Thomas.

NAYS: Senators Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, O'Leary, Pray, Roberts, Trotzky, Wyman.

ABSENT: Senators E. Berry, Danton, Merrill.

A roll call was had. Six Senators having voted in the affirmative, and 23 Senators having voted in the negative with three Senators being absent, the motion did not prevail.

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

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

The PRESIDENT: The Chair would ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Speers, to the rostrum.

Thereupon, the Sergeant-at-Arms escorted Senator Speers to the rostrum where he assumed the duties of President pro tem, and President Sewall retired from the Senate Chamber.

The President pro tem 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 Cummings of Penobscot.

Pending — Enactment.

(In the House — Passed to be Enacted.)

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

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

#### Communication STATE OF MAINE

One Hundred and Seventh Legislature  
Committee on Taxation

Honorable Joseph Sewall  
President of the Senate  
State House  
Augusta, Maine 04333  
Dear President Sewall:

It is with pleasure that I inform you that the Committee on Taxation has considered and acted on all matters placed before it by the One Hundred and Seventh Legislature.

Following is a tabulation of bills as reported out of Committee:

Total number of bills received	145
Ought to pass	24
Ought to pass in new draft	5
Ought to pass, amended	8
Divided	30
Ought not to pass	27
Leave to withdraw	51
Total number of bills Recommended	3
Ought to pass in new draft	1
Ought to pass, amended	1
Divided	1

Respectfully,

Signed:

J. HOLLIS WYMAN  
Senate Chairman

Which was Read and Ordered Placed on File.

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

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

In the Senate June 23, 1975, Read and Passed as Amended by Senate Amendment "A" (S-342)

In the House, June 24, 1975, Senate Amendment "A" Indefinitely Postponed, and the Joint Order Read and Passed, in non-concurrence.

In the Senate June 24, 1975, that Body having Insisted and Asked for a Committee of Conference.

Comes from the House, that Body having Adhered.

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

(See action later in today's session.)

#### Joint Order

WHEREAS, the Legislature has rejected a proposal for the commitment of habitual truants to the Boys Training Center and Stevens School; and

WHEREAS, at present, state and local agencies do not have any comprehensive plan to deal with this problem; and

WHEREAS, habitual truancy contributes to future social, economic and law enforcement difficulties which the State has a compelling interest in avoiding; now, therefore, be it

ORDERED, the Senate concurring, that a Joint Select Committee on School Attendance be established, consisting of 6 Representatives to be appointed by the Speaker of the House and 4 Senators to be appointed by the President of the Senate, to prepare a comprehensive set of proposals and recommendations, with estimates of necessary funding, to enable the State to deal as effectively as possible with habitual truancy, these proposals not to include institutionalization of habitual truants in the Boys Training Center and Stevens School; and be it further

ORDERED, that each member of the Joint Select Committee on School Attendance be authorized to receive reimbursement for travel expenses and per diem, the per diem not to exceed \$25 per day; and be it further

ORDERED, that the sum of \$1,000 be allocated from the legislative account to provide for reimbursement of travel expenses and for payment of per diem; and be it further

ORDERED, that the Joint Select Committee on School Attendance report the results of its findings, together with any proposed recommendations and final drafts of any necessary implementing

legislation, to the first special session in 1976 of the 107th Legislature; and be it further

ORDERED, Upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to these agencies as notice of this directive. (H. P. 1772)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. KATZ: Mr. President, before this is tabled, and I certainly hope it will be, I would like to call the Senate's attention to the fact that on the Appropriations Table, L. D. 1752, An Act to Create a Commission to Revise the Statutes Relating to Juveniles, is a parallel measure. On that basis, if one is passed we certainly won't need the other.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled pending Passage.

#### Committee Reports House

##### Leave to Withdraw

The Committee on Taxation on, Bill, "An Act to Levy Surcharge on Alcoholic Beverages Sold at Other than State Stores." (H. P. 1429) (L. D. 1690)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Concerning Taxes on Alcoholic Beverages." (H. P. 1001) (L. D. 1272)

Reports that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act to Impose a Tax on Tobacco Products Other than Cigarettes." (H. P. 1394) (L. D. 1799)

Reports that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

(See action later in today's session.)

##### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Reform the State Retirement System" (H. P. 1725) (L. D. 1939)

have had the same under consideration, and ask leave to report: That the House recede from passage to be engrossed, indefinitely postpone House Amendment "A" (H-787), indefinitely postpone House Amendment "E" (H-797), adopt Senate Amendment "A" (S-346), adopt Conference Committee Amendment "A", and pass the bill to be engrossed as amended; that the Senate recede from passage to be engrossed, indefinitely postpone House Amendment "E" (H-797), adopt Conference Committee Amendment "A", and pass the bill to be engrossed as amended.

THERIAULT of Rumford

BUSTIN of Augusta

TYNDALE of Kennebunkport

-of the House.

COLLINS of Knox

CLIFFORD of Androscoggin

O'LEARY of Oxford

-of the Senate.

Comes from the House, the report Read and Accepted.

Which report was Read.

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

Mr. CONLEY: Mr. President, I just noticed that the Chairman of the Retirement Committee was getting up to address the Senate. I do have a couple of questions on this bill, and I would just as soon defer until he has spoken on the Committee of Conference Report.

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

Mr. COLLINS: Mr. President, may I inquire through the Chair whether House Amendment "D" is now on the bill?

The PRESIDENT pro tem: The bill, as having come from the House, is passed to be engrossed as amended by Senate Amendment "A" and Conference Committee Amendment "A".

The Secretary will read the endorsements as coming from the House.

The SECRETARY: The amendments that are on the bill as per the endorsements, irrespective of the draftsmanship of the Conference Committee Report, are Conference Committee Amendment "A", Senate Amendment "A", and House Amendment "D".

Mr. COLLINS: Thank you, Mr. President. That answers my question and that is the understanding that the Committee on Veterans and Retirement has, that House Amendment "D" is still on the bill. Mr. President, since it was suggested that there may be questions, I will be glad to answer them if they are presented.

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

Mr. CONLEY: Mr. President and Members of the Senate: My particular interest in this bill and the Committee of Conference Report is that the Committee on Veterans and Retirement did not want to see House Amendment "A" stay on this bill, and it is my understanding that it primarily dealt with the Department of State Police. There are other units, local units, within the state, such as the various police departments and fire departments, who also belong to the Maine State Retirement System. It has been my position to treat all of these units fairly and equitably under the new bill as has been reported out of the Retirement Committee, and we twice I believe, or at least once, in this chamber indefinitely postponed House Amendment "A". House Amendment grapevine I have heard that the state police are still on this particular document, and I wonder how again this will reflect relative to the local units, dealing primarily with the police departments and the firefighters throughout the state.

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

Mr. COLLINS: Mr. President, the good Senator from Cumberland, Senator Conley, is correct that the chief effect of the Conference Committee Report is to eliminate from the Bill House Amendment "A". House Amendment "A" was an effort to postpone the basic reform of the bill as related to state level enforcement personnel for twenty years. The Conference Committee agreed that this would be a very serious violation of the reform purpose of the bill and, therefore,

agreed that House Amendment "A" should be deleted.

In place of House Amendment "A", in order to try to provide some solace for enforcement officers who have become members of the system expecting that they would have some special treatment, we provided in the Committee of Conference Report, Committee Amendment "A", which is Filing No. H-826, that when one of these persons in preferred status, such as the state police has achieved the required minimum, say twenty years or in some other groups it may be twenty-five years, that rather than continue to pay in the seven and one-half percent of payroll levy, for which that person would receive no additional benefit in retirement, that such personnel would then be eligible to pay in six and one-half percent, the same as the other ordinary state employees, and to receive in reward for that continuing contribution to the system two percent per year toward improved retirement benefits.

It was recognized that if this were to be done for state level enforcement personnel, that the same option should be made available to those district personnel, such as the City of Portland fire fighters or police, who might wish to have the same sort of benefit, and this is a part of H-826, the Committee of Conference Amendment. If you will look at the statement of fact on the back page of that document, I think you will find some summary of it, and you will find located in that document a provision that gives the local district which makes an agreement with the State Retirement System to be included in that system, it gives that district an option to utilize that same sort of program for its personnel.

This feature of the compromise adopted by the committee was checked out with the actuary for the State Retirement System, and was felt by him to be sound in terms of not diluting or straining the retirement fund. Therefore, we felt that it was an acceptable compromise and one that furthered the general purpose of the bill to adopt as much uniformity as we possibly could.

The PRESIDENT pro tem: The pending question before the Senate is the acceptance of the Committee of Conference Report. Is it the pleasure of the Senate that the Committee of Conference Report be accepted in concurrence?

It is a vote.

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on

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

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

that the House recede from its action whereby it Passed the Bill to be Engrossed, as amended; recede from its action whereby it adopted Committee Amendment "A" (H-651) and indefinitely postpone same; adopt Conference Committee Amendment "A" (H-822), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A";

that the Senate recede from its action whereby in Passed the Bill to be Engrossed, as amended; recede from its action whereby it adopted Committee Amendment "A", as amended by Senate Amendment "A" thereto (S-296); recede

from its action whereby it adopted Senate Amendment "A" to Committee Amendment "A" and indefinitely postpone same; indefinitely postpone Committee Amendment "A"; adopt Conference Committee Amendment "A", submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A";

On the part of the House:

BOUDREAU of Portland  
STUBBS of Hallowell

On the part of the Senate:

CORSON of Somerset  
CARBONNEAU of Androscoggin  
COLLINS of Knox

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### Enactor

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

#### Emergency

An Act to Extend the Provisions of the Energy Emergency Proclamation. (H. P. 1152) (L. D. 1446)

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.

#### Reconsidered Matter

On motion by Mr. Cianchette of Somerset, the Senate voted to reconsider its former action whereby it voted to Recede and Concur on Joint Order (S. P. 538) Relative to Legislative Council being authorized through Committee on Natural Resources to study the matter of solid waste problems of this State.

On further motion by the same Senator, the Senate voted to Recede from its former action whereby it voted to Insist and Ask for a Committee of Conference.

Thereupon, on further motion by the same Senator, Joint Order (S. P. 538) was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

At this point, the Sergeant-at-Arms escorted President Sewall to the rostrum where he assumed his duties as President of the Senate. The Sergeant-at-Arms then escorted Senator Speers to his assigned seat on the floor of the Senate Chamber, amid the applause of the Senate members.

#### Reconsidered Matters

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby the Leave to Withdraw Report of the Committee was Accepted on the following:

Bill, "An Act to Levy Surcharge on Alcoholic Beverages Sold at Other than State Stores." (H. P. 1429) (L. D. 1690)

Bill, "An Act Concerning Taxes on Alcoholic Beverages." (H. P. 1001) (L. D. 1272)

Bill, "An Act to Impose a Tax on Tobacco Products Other than Cigarettes." (H. P. 1394) (L. D. 1799)

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending Acceptance of the Committee Reports.

On motion by Mrs. Cummings of Penobscot,

Recessed until the sound of the bell.

#### After Recess

##### Papers From The House

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

##### Non-concurrent Matter

Joint Order (S. P. 552) Relative to Legislative Council being authorized thru Committee on Health and Institutional Services to study the Practice Of Deinstitutionalization.

In the Senate June 24, 1975, Read and Passed.

Comes from the House, Indefinitely Postponed in non-concurrence.

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

#### 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 Rules for Legislative Investigating Committees." (H. P. 898) (L. D. 1085)

Have had the same under consideration, and ask leave to report: That the Senate recede from its action whereby it accepted the "Leave to Withdraw" Report of the Committee on State Government, substitute the Bill for the report, give the Bill two readings, adopt House Amendment "A" (H-789), and pass the bill to be engrossed as amended by House Amendment "A" in concurrence.

On the part of the House:

KELLEHER of Bangor  
COONEY of Sabattus  
BIRT of E. Millinocket

On the part of the Senate:

CURTIS of Penobscot  
GRAHAM of Cumberland  
WYMAN of Washington

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriations Table the following:

Bill, "An Act Relating to Compensation and Benefits under the State Classified Service." (H. P. 406) (L. D. 495)

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

Mr. CURTIS: Mr. President, I have an amendment to offer to Committee Amendment "A", so I move we suspend the rules for purposes of reconsideration.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that the Senate suspend the rules and reconsider its action whereby L. D. 495 was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

On further motion by the same Senator, 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-366, to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Mr. CURTIS: Mr. President, this is a personnel matter that was considered in

the State Government Committee, and because of the problems of funding, I have talked with the Director of Personnel and he is amenable to an amendment that was suggested by the Commissioner of the Department of Transportation. And in order to salvage the rest of the bill, this amendment eliminates the first paragraph.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that the Senate adopt Senate Amendment "A" to Committee Amendment "A". Is this the pleasure of the Senate?

Thereupon, Senate Amendment "A" to Committee Amendment "A" was Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted and the Bill Passed to be Engrossed, as Amended, in non-concurrence.

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

On motion by Mrs. Cummings of Penobscot,

Adjourned until 9 o'clock tomorrow morning.