

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 21, 1975 to July 2, 1975

**Index**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Friday, June 27, 1975

Senate called to order by the President.

Prayer by the Honorable Hayes E. Gahagan of Caribou:

Father, on this beautiful day we thank you for this final day of our 107th Legislature. We thank you for the perfect health of the members of the legislature, the staff and their families, and we thank you for the safe trips home this evening. In the name of your Son, Christ Jesus. Amen.

Reading of the Journal of yesterday.

## Orders

On motion by Mr. Speers of Kennebec, WHEREAS, state valuation has increased since 1968 from \$2,820,000,000 to \$4,649,000,000, an average of 17% per biennium; and

WHEREAS, predictions by the Bureau of Property Taxation indicate significant future increases in value; and

WHEREAS, there is heavy reliance in Maine statutes on state valuation for distributing more than \$175,000,000 each year in grant-in-aid programs, including education; and

WHEREAS, in a democratic society, the public must have confidence in the accuracy and validity of the valuation base used for taxation and for distribution of state financial resources; and

WHEREAS, there has been an adequate review in recent years of the procedures used by the Bureau of Taxation in establishing state valuation; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council be authorized to study the subject of this order either through the Joint Standing Committee on Taxation or through the establishment of a Select Committee on State Property Tax Valuation comprised of 8 members to be constituted and appointed as follows: One member of the Senate who serves on the Committee on Taxation to be appointed by the President of the Senate; one member of the House who serves on the Committee on Taxation to be appointed by the Speaker of the House; 3 municipal officials, representing various sized communities and various geographical areas, one of whom shall be a representative of a so-called high valuation town, and 3 members of the general public, all of whom shall be appointed by joint agreement of the President of the Senate and the Speaker of the House; and be it further

ORDERED, that whichever committee is selected to conduct the study shall:

1. Review the procedures by which state valuations are established;
2. Review the validity of the state valuation with respect to a representative sampling of communities;
3. Review the need for a sales certificate to be filed with all real estate transactions;
4. Report its findings to the Governor and the Legislature no later than January 1, 1977 along with recommended administrative action and legislation to implement its findings; and be it further

ORDERED, that whichever committee is selected by the Legislative Council to conduct this study shall be directed to employ outside professional assistance in the implementation of this order and all departments of State Government shall cooperate with the committee in the

pursuit of its assigned task; and be it further

ORDERED, that if the Legislative Council establishes the Joint Select Committee on State Property Tax Valuation to conduct this study, that committee shall hold its organizational meeting upon the call of the president and shall choose a chairman from among its membership at that time; and be it further

ORDERED, that if the Legislative Council selects the Joint Select Committee on State Property Tax Valuation to conduct this study, the members of that committee shall serve without compensation, but may be reimbursed for their reasonable expenses in attending related and necessary expenditures; and meetings, procuring supplies, correspondence and other related and necessary expenditures; and be it further

ORDERED, that if the Legislative Council establishes the Joint Select Committee on State Property Tax Valuation to conduct this study, the Joint Select Committee is authorized to accept funds from any agency of the United States, from any private foundation and from any other private source for the purpose of implementing the purposes of this order; and be it further

ORDERED, that the Legislative Council is authorized, if it deems necessary, to allocate from the Legislative Account the sum of \$25,000 for the purpose of carrying out this order. (S. P. 610)

Which was Read and Passed.

Sent down for concurrence.

Mr. Hichens of York was granted unanimous consent to address the Senate.

Mr. HICHENS: Mr. President and Members of the Senate:

Two years ago I wrote a poem  
About a guy named Harry — you all know 'im?

He was about to take that step  
Into the marriage circle — hep!

Two years — it seems a century  
To Harry, but not you and me.  
Because he not only got a wife—  
But a Dachshund too to spark his life

And I have shared with you before  
How the Dachshund meets him at the door

And tried to grab him by the leg  
Though Harry is a real good egg.

In those two years — his wife Diana  
Has presented Harry with a little man-er  
I think Spencer is his name  
And he will add to Starbranch fame

As time goes on — it's safe to say  
We'll hear a lot from him someday.

But as for now — things as they be  
We wish an anniversary  
Of happiness for Harry an-a  
His lovely little wife — Diana  
(Applause, the members rising.)

Committee Reports  
Senate  
Ought to Pass

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 609) (L. D. 1945)

Reported pursuant to Joint Order (S. P. 601) that the same Ought to Pass.

Which report was Read.

On motion by Mr. Huber of Cumberland, tabled until later in today's session, pending Acceptance of the Committee Report.

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

Senate Report — from the Committee on State Government — Bill, "An Act to Provide for Full-time Administrative Officers in the Senate and House of Representatives." (S. P. 209) (L. D. 699) Ought to Pass in New Draft Under Same Title (S. P. 503) (L. D. 1859)

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

Pending — Acceptance of Report.

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted and the Bill Read Once. Under suspension of the rules, the Bill in New Draft was then read a Second Time.

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

Senate Amendment "A", Filing No. S-385, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

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 unassigned matter:

Joint Order — Relative to Joint Select Committee on State Property Tax Valuation. (S. P. 490)

Tabled — June 12, 1975 by Senator Speers of Kennebec.

Pending — Passage.

(In the Senate — Senate Amendment "A" (S-123), Adopted, and Senate Amendment "B" (S-304), Adopted.)

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:

Senate Reports — from the Committee on State Government — Resolution, Proposing an Amendment to the Constitution Relating to the Powers of the Governor and Providing for the Selection of the Members of the Executive Council. (S. P. 268) (L. D. 876) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (S-300).

Tabled — June 12, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

(In the Senate — Majority Ought Not to Pass Report Accepted; subsequently, Reconsidered.)

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

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

Resolution, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and Establishing the Size of the Senate. (S. P. 2) (L. D. 2)

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

## Pending — Consideration.

(In the Senate Passed to be Engrossed as Amended by Senate Amendment "A" (S-2).)

(In the House — Minority Ought Not to Pass Report accepted in non-concurrence.)

On motion by Mr. Speers of Kennebec, the Senate voted to Recede and Concur.

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 State Government — Resolution, "Proposing an Amendment to the Constitution to Provide for Single Member Districts in the House of Representatives; Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1984; and to Establish an Apportionment Commission to Plan for All Apportionments of the House of Representatives and Senate." (H. P. 738) (L. D. 919) Majority Report — Ought to Pass in New Draft under New Title of: Resolution, "Proposing an Amendment to the Constitution to Provide for Reduction of the Number of Representatives in 1985, to Establish the Number of Senators at Thirty-three in 1985 and to Change the Date of Convening of the Legislature." (H. P. 1587) (L. D. 188); Minority Report — Ought Not to Pass.

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

Pending — Acceptance of Either Report. (In the House — Bill and Accompanying Papers. Indefinitely Postponed.)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President, I note that this bill has come from the other branch indefinitely postponed and I would, therefore, move the indefinite postponement of this bill in concurrence.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that L. D. 919 be indefinitely postponed in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

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

Joint Order — Relative to amending Joint Rules by adding a new Rule 7E. (S. P. 508)

Tabled — May 1, 1975 by Senator Conley of Cumberland.

Pending — Passage.

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

Mr. SPEERS: Mr. President and Members of the Senate: The proposed joint order is the order which would limit the number of bills that an individual may introduce into the legislature in any given session. The sponsor of the joint order will probably correct me if I am wrong, but I believe it is ten bills for each individual. I think the purpose of this order is very laudatory in that it is an attempt to speed the session along and in an attempt, perhaps to keep some of the lesser deserving bills out of the process.

Speaking as the Senator from Kennebec, and not as majority leader, my personal feeling regarding this matter is that we are limiting a Representative or a Senator's ability to introduce legislation that he himself may feel is necessary or that one of his constituents may feel is

necessary and, although I feel that the sessions should be speeded up and that there are different ways to do that, that this is not a wise course to follow. I think it would be unfortunate to limit an individual's ability to introduce as much legislation or as little as he would so desire. I would, therefore, make the motion that this joint order be indefinitely postponed.

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

Mr. HUBER: Mr. President and Members of the Senate: As the Senator from Kennebec, Senator Speers, said, this bill would limit the number of bills that any one legislator could present to ten, without approval of the Reference of Bills Committee. The attempt is to try and allow each legislator to establish his own priorities, to try and think through which bills really deserve presentation. If an individual has more than ten bills with real merit, I see no reason why the Reference of Bills Committee would not allow these measures.

I think any other delegation of power; for example, a bill screening by perhaps the Reference of Bills Committee, is a delegation of power which would limit the legislators' freedom to put in perhaps controversial measures, perhaps measures which are politically sensitive, and that type of thing. So I think any other delegation, except allowing the individual legislator to make his own decision as to his own priorities, would unduly concentrate power.

I would also oppose any time limitation as I think it would lead to perhaps hasty enactment of mediocre or poor legislation.

I would point out that this order would only be for regular sessions. This would get the rule change into our rules, but its adoption could be reconsidered by the next legislature. It would have no effect on this legislature, but it would be in the rules for consideration by the next regular session.

At this point in this session, the only thing I could say that perhaps should be amended is that perhaps the number of ten is considerably too high, but I think perhaps this limitation is worth considering. Again, I point out that the next legislature, in adopting their rules, can reconsider this if they so desire. I would oppose the indefinite postponement of this order.

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

Mr. MERRILL: Mr. President and Members of the Senate: I have been interested in this order since it has been introduced. I have no idea what the sentiment of the Senate will be in this regard today, and I think I am going to support the joint order, but I have one suggestion that I might make, and certainly there is time during the special session to deal with it.

There is one exception in the joint order, as I understand it, to the limit of ten, and that is if the Reference of Bills Committee decides that it is necessary to let in more. I think it would be good, whether we kept the number at ten or whether it was slightly less, to make another exception, and that would be the exception of bills that are prefiled. I, having just been here for this one session, have noted that at the beginning things are very slow in the committee work, and if we could devise through our rules a way to encourage people to prefile their bills, I think it would be of benefit to the system and to the

smooth operation of the system. And in that way, if we had a number of ten or even six, they could be filed after the beginning of the legislature, but no limit on pre-filing, and the ability for the Reference of Bills Committee still to make an exception, it could not be said, as the Senator from Kennebec, Senator Speers, said, that we were limiting in any real way a person's ability to put any number of ideas he wanted into the legislative process. But we would be encouraging people to get their bills early into the process, and I think in that way we would speed up the session a great deal.

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

Mr. HICHENS: Mr. President, I rise to concur with the good Senator from Kennebec on his observations and his motion. As you read in the paper about two weeks ago, I am credited or blamed for having sponsored 39 bills. That isn't quite correct; I actually sponsored 31 bills but eight of them were rewritten by committee, and that is charged to my account apparently. But I did not intend to sponsor so many bills. I had about ten that I was very definitely interested in, and then I had two or three constituents who had a very deep problem which they thought could be corrected by legislation. And then as chairman of a couple committees, the department had several bills which might have been able to have been distributed to other members of the committee, but it would still have added to the total.

I think our biggest problem is the fact that we have so many bills relating to the same subject which are presented, and I think something could be done as far as our Legislative Research Department is concerned, where they can let a sponsor know that someone has already put in a bill relating to the same subject. I know Judiciary had seven bills on one subject presented by different legislators and, as a result, they didn't know just what other bills were coming, so they would have a hearing and then find out two weeks later they had another bill with the same subject matter. It confused not only the committee but it confused the sponsors and the constituents and the legislature as well.

I think to limit us to ten bills is the wrong way of going about it. Someone might come to me after I had sponsored ten bills and have a very important thing to them, which might not seem important to the Reference of Bills Committee, and how am I going to answer that constituent? Will I say I have already reached my quota and you will have to wait for another year, at least, or maybe two years before I can put your bill in? So I think under those conditions we should indefinitely postpone this order and maybe come up with a different solution at another time.

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

Mr. COLLINS: Mr. President and Members of the Senate: I support the position of Senator Huber in this matter. I originally had occasion to talk with friends from Nebraska where they have a unicameral legislature, of course, of a much more modest size, and they have a much larger state in population than we do, and they limit each member to twelve bills, and they found that it works out quite well.

Last week we had to consider the question of how much secrecy to apply to our legislative process and, in my opinion, we were somewhat hypocritical in

adopting a certain secrecy for ourselves that we denied to other branches of government. But it seems to me that we need to take some steps in self-discipline, and this is one step. Another would be to have each legislator voluntarily, by letter, inform the Drafting Department and the Legislative Research Department that his or her material submitted could be discussed by others and with other legislators in the interest of avoiding duplication.

As Senator Hichens has said, there were seven bills in our committee that included the same identical point. Every bill has to be dealt with in hearing, in printing costs and many other ways, and in many cases had any one of these people known that someone else was putting in the identical point, they would have refrained from doing so and saved all of us a lot of time and trouble.

This may not be the final answer, but I think we need to take some definite steps towards self-discipline, and this would serve to focus on the need for that discipline and hopefully to cause, perhaps in a voluntary way, a greater restraint and hopefully more wisdom.

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

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

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I rise to support this joint order. This legislature needs to develop credibility with the public, and in the long run we are going to be known here for what we do, not for what we say.

I think we made a big step yesterday here in telling the people of the State of Maine that we really wanted to do something. Here is another item that I think can be recognized as this legislature wanting to do something to limit the length of the session of the legislature and deal with only the important matters. I think it is an important issue and I would like to try this out and see if it wouldn't work well. It is only a rule, it is not changing the constitution, so let's give it a try and see if it doesn't work out and see if we do not discipline ourselves to develop priorities within our own legislative abilities. Thank you.

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

Mr. CONLEY: Mr. President, I would pose a question through the Chair to the good Senator from Cumberland, Senator Huber. I don't have a copy of the joint order in front of me, but I would like to know how this would work when it comes to cosponsorship of bills.

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

Mr. HUBER: Mr. President and Members of the Senate: Unfortunately, I don't have a copy of the order before me either, but the order does say that this applies only to prime sponsorship, so cosponsorship would not count in the limitation to ten.

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

Mr. CONLEY: Mr. President, I have had reservations on this particular order, but what the good Senator is stating is that

it is obvious that anyone wishing to sponsor legislation could obviously get someone else to take the bill and then cosponsor along with them. The only thing is, I think of our mother state of Massachusetts, where citizens themselves of that state can introduce legislation without being a member of the Massachusetts Legislature, whereby I guess a Reference of Bills or similar committee would just send the communication to that joint standing committee to consider that as possible legislation, although the legislature itself does not have to take action on it. At least the constituent within that state has the opportunity of in some way being heard.

I think that is probably what the problem has been in Maine, that many times when we talk about the beehives and all the other crazy types of legislation that we hear about so often that is introduced, and we are often very critically criticized in the press because of the fact that some committees spend too much time perhaps dealing with these measures. And I think many times we are unfairly criticized.

As I have stated, I had reservations on this up until today but, again, I am going to support it, and if there are any real problems, I think we can amend the order in the next special session.

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 to indefinitely postpone this order. I have heard it discussed here that we should be concerned about our credibility to the public, and I would agree with the previous speaker who mentioned this matter. I would point out that the action last night by this legislature will save us at least seven legislative documents that were introduced this session regarding the Executive Council, but in the future there will always be matters that must be considered.

I supported the open file concept in Legislative Research, and I did so partly because I think that most everything we do here ought to be public, and partly because I think it would be a help to find out what other people were doing so we could put our ideas together and prior to the introduction of legislation have it in good order. But I think that since we didn't pass that, we must remember that the Maine Legislature sits to serve the people of the State of Maine.

I think we have got good credibility, and I say that because the people of the state are well aware of the fact that we have a public hearing and we dispose of, unlike Congress, every single piece of legislation that comes before us. Now that is time-consuming, and I don't like to be sitting here or standing here on June 27th any more than other people do, but I think that the Maine Legislature is just one step away from that individual citizen who would like to have his idea or his thought considered.

I give one example of a constituent of mine that called up one day very disturbed because his son was being required to have fingerprints taken in the fifth grade in school. He said, "Why does the State of Maine require that? Can't you do something?" I said, "Yes, you have made a request, and I will see that a bill gets in to eliminate that requirement that all students have their fingerprints taken." That bill was introduced, and it wouldn't really have been introduced except for

that one call from a person, and it was passed, and no longer do we fingerprint all our fifth grade students like we used to. So I think that credibility will be enhanced by rejecting this proposed rule.

Finally, I would suggest that if the rule is adopted, what we are going to have happen is just the greatest snowstorm of amendments that you have ever seen. Personally, I would rather see an individual bill printed and distributed and discussed on its merits, rather than try to wade through all of the amendments that might or might not be germane but would be introduced because that would not be a separate bill.

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

Mr. PRAY: Mr. President and Members of the Senate: In talking about one of the other committees and the number of bills that they listened to that dealt with the same subject, I just went through one of the committees that I was on, one that received a great deal of controversy on a bill that went back to committee twice, was recommitted back to committee, and in the Fish and Game Committee we had 15 bills dealing with license increases. I really can remember a lot of the hearings we had on those, and I don't think any of the people that sponsored the other bills came to the committee hearings when we heard the other legislation beyond the license increases.

In talking about the amendment process, that same bill came out and went to the other end of the hall here and they had 13 amendments to it.

I think the Senator from Cumberland, Senator Huber, has a good proposal here and I am going to support it. I think that some of the arguments raised against it are really ill-founded. The amendment process is still there and I think perhaps to speed the process up that the amendment process is the alternative method to individuals who have ideas that differ a little bit from the original legislation that is introduced. I would urge all of you to support the order.

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

Mr. SPEERS: Mr. President and Members of the Senate: Certainly as a practical matter, I don't think that this joint order is going to do a great deal to change some of the problems and the lengths of the sessions that we have been seeing, the growing lengths of sessions.

I think the Senator from York, Senator Hichens, put his finger on one of the greatest problems, and that is the number of bills that are introduced having to do with the same subject matter. As I mentioned earlier, there are different ways that we can attack this whole problem of the length of the legislative session, and I think that that is one of the legitimate ways to attack this problem, to find some way whereby once a subject matter has been introduced, to have all of those who wish to be identified with that matter, to offer some little more incentive for them to try and cosponsor that particular bill.

The comment was made earlier by the Senator from Somerset, Senator Cianchette, that we should be concerned with dealing only with the more important matters before the legislature. Well, the problem with that is that what is an important matter to one individual may



not be quite so important to another individual. And if we leave it up to the leadership to determine through the Committee on Reference of Bills what the priorities are going to be, then it seems to me that we have defeated one of the purposes for having 33 members in this body and 151 in the other body, and are narrowing it down to ten members of the leadership. The priorities are really set through the legislative process and final enactment process of the bills that are presented. That is who determines the priorities, all of us collectively, along with the Governor.

Now, the basic reason for individuals running for this office is to provide representation for their constituents, and I am sure that it would happen very rarely but I think the Senator from York, Senator Hichens, came up with a very good question: what happens if you have about twenty constituents who each ask you to put in a bill, a specific idea that they want to see discussed and enacted or passed upon one way or the other in Augusta, and that subject matter has not been introduced before and no one else in the legislature really thinks it is such a great idea, or at least to the extent that they want to put their name on it? Now, as I say, that probably would be a very rare occasion, but I do think that even on that occasion the individual constituents involved ought to have the ability to have their representative here introduce their requests.

So I don't think that the joint order one way or the other is really going to change a great deal as far as the length of the session is concerned, and I think probably more than on a practical basis my objection to it is more on a philosophical basis. But I do sympathize with the objective and I think there are many things that we can be doing to solve, for example, the problem that Senator Hichens brought up, the number of bills that are introduced that deal with the same subject matter. So I do hope that the motion prevails.

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

Mr. HUBER: Mr. President, the Senator from Kennebec, Senator Speers, states that the priorities are currently set through the legislative process. The fact is that priorities are not set except, at great expense to Maine taxpayers, through the legislative process. This order is simply trying to get legislators to set their priorities themselves. I would oppose this motion still.

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

Mr. MERRILL: Mr. President, I think the suggestion that this order alone doesn't do that much is well taken, and I think the order can do two things if we go beyond it, and they are two things that have been mentioned by myself and the Senator from Knox, Senator Collins, and others in this debate. That is that we could use this joint order, I think, to stimulate people to avoid duplication, and we could use it to stimulate people to prefile bills. Both of those would be very important objectives.

I would like to make one comment that I think is related. The problem I don't think is just to find a way for us to get the ego satisfaction of having our name connected with a bill. There are many of us, I am sure most of us, who don't really care much about that and realize that people don't

know nor care. The problem is just getting the information that is necessary. At the beginning of the session, I had a constituent call me about a problem involving handicapped citizens, and I found out from talking in the hall that there was a possibility that someone, I didn't know who, had a similar bill. I went to Legislative Research and they didn't want to tell me because of the secrecy things, and I spent about a week tracking down who had the bills and reading the bills and seeing if they did what I wanted to do. If there was an indexing system in the Legislative Research Office that all bills and proposed bills would be listed by an indexing by subject matter, unless the Representative or Senator indicated that he didn't want it to be known — and I think that would be an unusual circumstance — and if we had an order like this which limited the number of bills that you could introduce, I think that those two things working together would cause a lot of us to find the person who had the similar bill listed in the index and to talk with him about it. And if the bill isn't exactly what we want it to be, we can go to the hearing when the time comes up, indicate that we were going to put in a bill and how it would be slightly different, and urge the members of the committee to amend the bill in the way that we want it to be amended.

You know, I think we had roughly 2,000 bills this session, I am not sure, and I don't think there were 2,000 ideas there. Leaving aside the priority of the ideas and accepting for a moment that one man's high priority is another man's non-priority, I don't think there were 2,000 ideas there. I would be surprised if there were 800 ideas there. And if we could use this joint order as a way to stimulate pre-filing and as a way to stimulate people to use one bill as a vehicle instead of 20 bills as a vehicle, what would happen is that instead of having 20 hearings the committee could spend those five afternoons or six afternoons working on that one bill, improving the quality of draftsmanship, and making certain that it looked to all the problems that may be caused and may be solved by its passage. I think that is a very laudable goal for the people of Maine, and I think that this joint order could be the beginning of working toward that goal, and for that reason I will support it.

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

Mr. HICHENS: Mr. President, I am reluctant to prolong this discussion but I think the good Senator from Cumberland just brought out an excellent point, along with some speaker before him, when they mentioned the amendments, we can always put amendments on. If I have received complaints on any one aspect of the legislature, that is the complaint. People say, "I have traveled a hundred miles from York County to speak on a bill, and then somebody goes and puts an amendment on afterwards. We didn't hear a thing about the amendment, it changes the whole bill, and when the bill was passed it wasn't the thing that we came up and spoke on at all." In this last two or three weeks especially our docket has been loaded with amendments which have been put on the supplementary calendar and we too, as legislators, haven't had a chance to look into the amendments to see what we were actually voting on.

I think that is one of the most excellent points brought out, that if we put these bills

in, people have ample time to come and speak and voice their opinion, and then hopefully have the bill come out either ought to pass or ought not to pass as they spoke upon it, and not have several amendments put on and have an altogether different bill enacted or defeated than what they had information on in the first place.

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

Mr. BERRY: Mr. President and Members of the Senate: I would only point out to the Senate and my good friend from York, Senator Hichens, who is Chairman of the Health and Institution Committee, that many times this session I stood on this floor and debated an amendment which he had added to a bill.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Speers, that S. P. 508 be definitely 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 Curtis, Hichens, O'Leary, Speers, Trotzky.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Collins, Conley, Corson, Cummings, Cyr, Gahagan, Graham, Greeley, Huber, Johnston, McNally, Merrill, Pray, Reeves, Roberts, Thomas, Wyman, Sewall.

ABSENT: Senators Clifford, Danton, Graffam, Jackson, Katz, Marcotte.

A roll call was had. Five Senators having voted in the affirmative, and 22 Senators having voted in the negative, with six Senators being absent, the motion did not prevail.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

Mr. Wyman of Washington was granted unanimous consent to address the Senate:

Mr. WYMAN: Mr. President and Members of the Senate: In the cool of the day, I want to talk about a matter that has bothered me a great deal, and that is getting jobs for our people. We talk about the council, and in my way of thinking that abolishment is going to create more government, but that is just a matter of thinking. We passed an order here this morning providing for full-time administrative officers. I don't think there is any price tag on that, and I think that is going to cost more money. I am going to talk some about the environmental commission. I am not too critical of them because they only do what we authorize them to do, and I don't think we should blame them too much for carrying out our laws, the laws that we pass.

While any measure to ease substantially our extremely high environmental standards, standards which are higher than those of any other state in the union, as well as New Brunswick and Quebec, has gone down the drain for this session, I do believe that in the next few months we

should realize what we have done in the state to create unemployment.

The quality of employees and workers in Maine is regarded as among the highest in the whole nation, but these good folks must have jobs. And so, how much longer can we allow our extreme environmental laws and our regulators to continue to keep Maine among those states with the highest rate of unemployment?

Repetition can be tiresome, but this is an important matter, not only to the taxpayers of Maine and the business people, but most of all to the working people themselves.

In New Brunswick, the Regional Development Incentive Act provides that the government of New Brunswick will grant not loan but an outright gift of a thousand dollars for each new job, plus 10 percent of the construction cost of a new building. In the case of the new plywood mill in McAdam, New Brunswick, just across the river from Maine, it was a sum of \$1,800,000, not a grant, but an outright gift. In addition, the government is building housing as well as sewage and water lines. Incidentally, I picked up a note in the paper this morning that there is a company from Massachusetts or New Hampshire that is building a new mill over in Milltown, New Brunswick, just across the way from Maine, and again I am sure that one of the reasons they are going to New Brunswick is the eagerness and hope that New Brunswick holds for new business.

Now you may say what does the environment have to do with this. The environmental laws in New Brunswick and Quebec are not nearly as restrictive as they are in Maine, and this is a contributing factor, along with the money involved. In Maine, we ask what we can get out of a new employer — in New Brunswick, just on the other side of the river, they ask what they can do to help new business and to provide new jobs. Isn't it easy to see why the New Brunswick workers are going to get 200 new jobs?

Now another case, a bit closer to the environment. A few years back, the Hancock County Development Corporation, as a means and method of obtaining industry and jobs, built the Hancock-Ellsworth Tannery, which employed over 300 people, and with an investment that ran into seven figures. Settling basins were installed to take care of the discharge from the plant and a class C water license was issued by the State of Maine, as promised.

Then we changed the rules in the middle of the game, and the new tannery was obliged to install additional settling basins and aeration equipment in an effort to comply fully with the new state requirements, although it was difficult to find out what they were. However, environmental groups and individuals began to complain, and finally an injunction in court was sought. The rules had been changed, and because of a technicality, the judge ruled that under the new environment rules the industry could not continue to operate, and imposed a fine of \$1,000 a day for each day of operation thereafter.

Upon receipt of this notification, the Hancock-Ellsworth Tannery closed the next day, 300 more were taken out of employment and the plant has never operated since. I understand there was a tannery in Howland that experienced the same situation. There are other tanneries in Maine that are operating but they have

a great deal of federal funds, something like 85 percent, and the feds will not allow these laws to prevail over the federal laws.

The operator states that during all the time complaints were being made, the state agencies would enter the plant and tell them what they were doing wrong, but never what they were doing right or actually what they should do overall to correct the situation. No state agency at any time tried to assist them in continuing the business. Only the complaints from individuals and from environmental groups continued to receive notice. The operator said that he could not have met the state requirements as the state did not even know what it wanted, and at one point the discharge would have had to have been cleaner than the best drinking water. In short, there is no doubt but what the environmental complaints, coupled with the changes which we made in the laws, put the Hancock-Ellsworth Tannery out of business and threw 300 workers out of jobs.

In the last session we passed a law An Act to Amend Maine Water Pollution Control Laws to Conform — mind you, to conform — with the Requirements of Federal Water Pollution Control Act Amendments of 1972. I had a bill in here somewhat similar to that and it received very little favor, but this is the title of the law we passed in 1973 to do the very same thing.

Now, down in the fine print of this same bill, it says, "At such time as the state applies for and receives authority to issue permits under the appropriate provisions of the Federal Water Pollution Control Act, as amended, no person may serve as a board member who receives or during the two years prior to his appointment has received a significant portion of his income directly or indirectly from license or permit holders or applicants for a license or permit." Now that rules out from the Environmental Protection Commission practically every employer and every employee because their source of income comes from some industry that has a license.

Then in the administration of it, it provides that the board may adopt reasonable rules and regulations necessary for the proper administration, enforcement and implementation of the requirements of this subchapter. Now, that gives the board — and we do this with so many laws, we pass a law and then we will give the board or commission, whatever it is, authority to make such rules as they deem necessary, which leaves it wide open.

Then I received a letter from a citizen here in Maine, and it says, "The Joint Editorial Board of the American Public Health Association, the American Society of Civil Engineers, American Waterworks Association, and the Water Pollution Control Federation, in the glossary of Water and Sewage Control Engineering, defines 'effluent' as a liquid which flows out of a containing space, wastewater or other liquid partially or completely treated or in its natural state flowing out of a reservoir, basin, treatment plant or industrial treatment plant or part thereof, or an outflowing branch of a main stream or a lake. I can find no other definition in either the state or federal law. Under the common usage, the term 'effluent' includes completely treated wastewater or the natural discharge from a lake or other body of water. To define 'effluent' as a pollutant is not consistent with the federal

law. As it now stands, natural organisms from a stream or a lake are pollutants." I have mentioned this, but further it says that, "no person may serve as a board member who receives or during the two years prior to his appointment has received a significant portion of his income" from one of these businesses.

Only a few days ago, I read in the paper where in the Town of Greenville complaints had begun to be received regarding a new sewage disposal plant which the town believed it had built according to state regulations. Happily though, according to the latest reports, the regulators may have backed off.

Finally, this present legislature, by a two-thirds vote, approved an emergency appropriation to spray for the spruce budworm. While this spraying was actually taking place, it is my understanding that three different court actions were brought to enjoin this operation, which I understand now is completed. Thus, the environmentalist place themselves above legislation which you as legislators passed.

We talk about lobbyists, but probably the highest paid lobbyist in the legislature is working for the environmentalists at \$1,000 a week. These people mean well, but they don't stop to consider the total impact of their thinking, not just on the industry affected, but beyond it, the ripple effect on other industries, on other jobs, on taxes and the ultimate cost to consumers. Sometimes those who make the loudest noise don't represent the thinking of the majority of the people. As I understand it, the majority of the people, the working class and the taxpayers in general, are completely fed up. It is time we determine once and for all the ratio of costs to benefits derived from so many of these standards and are they worth what they are costing in unemployment, taxes, and all the other side effects, including the inflation which they produce.

I will close by leaving this question in your minds: Shouldn't we temper our judgment in these matters, showing concern not only for the environment but also for the working man and his job? Thank you.

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

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

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

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its 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-386, to Committee Amendment "A" was Read and Adopted in non-concurrence and Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, was Adopted in non-concurrence.

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

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

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

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature. (H. P. 1516) (L. D. 1827)

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

Mr. SPEERS: Mr. President and Members of the Senate: I believe the pending motion regarding this particular matter is the final passage of the resolution. I would like to point out that should this resolution fail of final passage at this point, that it would go back down to the other body, and I believe there are amendments that are being prepared that would eliminate some of the objections that some members of this body have regarding this particular matter:

The objection that I have is well known and well stated in the debate on this matter, and I do hope that the resolve will fail of final passage at this point.

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

Mr. BERRY: Mr. President and Members of the Senate: I too share the views of the good Senator from Kennebec, and I intend to vote against the passage of this resolve.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being a Constitutional Amendment, and having received the affirmative votes of three members of the Senate, with 20 Senators having voted in the negative, the Resolution Failed of Final Passage.

Sent down for concurrence.

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

Bill, "An Act Relating to Membership of the Board of Trustees of the Maine State Retirement System." (S. P. 282) (L. D. 996)

Tabled — June 2, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-228) Adopted.)

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

Mr. SPEERS: Mr. President, I understand from the Chairman of the Committee on Veterans and Retirement that this matter is also involved in a bill that is on the Appropriations Table which is presumed to be funded later on today. I therefore move the indefinite postponement of this bill.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that L. D. 996 be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

On motion by Mrs. Cummings of Penobscot,  
Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

#### Papers from the House

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

#### House Papers

Bill, "An Act Relating to Purchases of

Spirituous, Vinous and Malt Beverages by Licensees for Resale." (H. P. 1779) (L. D. 1946)

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

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

Mr. CARBONNEAU: Mr. President, could someone explain L. D. 1946, please?

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, the purpose of this particular act is to plug a loophole which is now existing, or the purpose is two-fold actually: one is to move ahead the date which is denying the purchase of the liquor at the Kittery Store on a wholesale basis, so that we do not lose the revenue from this sale over the summer months. The second purpose is to remove the additional ten percent discount over and above the 25 percent which we were told only last night was actually the law at the present time.

The purpose of the emergency nature of this bill is that we do have information that there are great quantities being purchased at the present time in order to have the liquor purchased before the bill that was enacted a few days ago does go into effect, and we do feel that this is circumventing the intent of the legislature.

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

Mr. CURTIS: Mr. President, I would like to pose a question to anybody who might be able to answer it. Since we have a situation in which the dealers sell the liquor for a profit, and since, as I understand it, there are sufficient controls so that they could not purchase liquor in New Hampshire or any other state at a lower rate, why is it we permit the dealers who resell their liquor at a profit to have any discount at all any place?

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

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President and Members of the Senate: Apparently Senator Curtis is not a businessman. As a retailer, you have to buy your food at wholesale, your beer, your wine, your booze, at wholesale normally so you can make a profit. In this case, the retailers, so to speak, or the licensees are getting a discount that has been in existence ever since the state got into the booze business, and I think that should stay. God Almighty, you are taking 15 percent off them already, so please leave them the 10 percent so they can live.

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

Mr. SPEERS: Mr. President, I might point out that this particular matter being introduced at this late date and on an emergency basis obviously is the result of information that was made available or developed in the last day or two, and because of that, there has been very close consultation between the leadership of both branches and the chief executive, and it is my understanding the chief executive has indicated that he would sign this bill today or as soon as it does reach his desk.

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

Mr. BERRY: Mr. President and Members of the Senate: In addition to the chief executive and the members of the leadership, there are a few of us who aren't in either of those two groups. I would strongly suggest we let this thing go along as rapidly as possible. I share Senator Carbonneau's concern, and I would be delighted and very happy to see a printed bill before we pass this to be enacted. This is just moving it along, and I would suggest we save our concern and debate until we have the engrossed copy in front of us.

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

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

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

Resolve, Authorizing the Commissioner of Mental Health and Corrections to Lease Land in Augusta to the Maine Department of the American Legion. (H. P. 1780) (L. D. 1947)

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

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

Mr. CURTIS: Mr. President, this resolve, which we have before us by title only, is one which — I requested, and our gracious assistant secretary permitted me to look at the original document — would authorize a 99-year lease by the Department of Mental Health and Corrections of a one-acre parcel of land across the river next to the Augusta Mental Health Institute. I called up a member of the department immediately, and the department has had this before them for about one year. The resolve comes in during the last day of the session, and this is a matter which ought to belong to the jurisdiction, I would suggest, of the State Government Committee and have a public hearing.

We earlier in the session rejected several amendments which were proposed to us regarding similar transfers and sale of state lands, and so forth, because they were not in a bill listed which could have a public hearing in an appropriate fashion. And although the desired goal is good, I think, to encourage the Department of the American Legion to have a state headquarters, I don't think this is the right procedure to do it. Therefore, I move indefinite postponement of this resolve.

The PRESIDENT: Is it the pleasure of the Senate that this resolve be indefinitely postponed?

The motion prevailed.

Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot,  
Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

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

#### Communications STATE OF MAINE



Executive Council  
Augusta, Maine 04333

June 27, 1975

Honorable Joseph Sewall  
State House  
Augusta, Maine  
Dear Joe:

On behalf of the lame duck, all-Democratic Executive Council, I congratulate the Legislature on their action of last night in abolishing this 155 year old institution.

Sincerely,

Signed:

CARLE E. CIANCHETTE  
Chairman  
Executive Council

Which was Read and Ordered Placed on File.

#### Enactors

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

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

An Act Creating the Post-secondary Education Commission of Maine. (S. P. 344) (L. D. 1160)

An Act Relating to School Dropouts and to Potential School Dropouts. (H. P. 1442) (L. D. 1702)

An Act to Create the Maine Fishing Gear Damage Fund. (H. P. 1489) (L. D. 1681)

An Act to Establish Uniform Standards for the Measurement of Wood. (H. P. 1758) (L. D. 1944)

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

An Act to Provide Funds to Pine Tree Legal Assistance, Inc., for Continued Legal Representation for those in Need. (S. P. 133) (L. D. 438)

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

Mr. BERRY: Mr. President, L. D. 438 has been returned to us with an amendment on it which cuts the price tag down to \$50,000. The debate, of course, would be reasonably fresh in our memory. This is a breakthrough for state support for a federal program which, as I understand it, has been federally funded to the tune of some \$500,000. A brief summary of the objections to the bill: these people have to a large extent forgotten their original purpose in life, and have been devoting themselves not totally as originally planned to the enhancement of the poor and underprivileged, but have been spending their money for philosophical campaigns. They have been quite effective in harassment of municipal governments, particularly the boards of selectmen in small communities. I believe it is a fair statement to say that a preponderance of the members of the Maine Municipal Association are opposed to their actions in this area. This has nothing to do with the provision of legal assistance in criminal cases, where under the laws of the state everybody must be represented by legal counsel.

We have been favored with the continual lobbying for this bill for most of the year since January on the third floor. I think the entire concept here has got way out of hand. I believe that we should not start a program like this unless we are fully prepared to understand exactly what we are asked to do and are prepared to,

commit the rather large amount of money to it. The decrease from the \$165,000 to \$50,000, as final action in the closing days of the session; I think goes completely against the grain of a large number of members of the Appropriations Committee. My understanding is that there were three votes taken with a seven-to-three opposed to this bill. I think, for these reasons, I would strongly encourage the members of the body to vote against enactment.

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

Mr. CURTIS: Mr. President and Members of the Senate: This is a bill which I sponsored along with my co-sponsor, Senator Marcotte. It is a bill which comes to us with the endorsement of the Board of Governors of the Maine Bar Association, as represented at the public hearing by Mrs. Susan Kominsky, a member of the bar, and a person who spoke in favor of the bill. We have debated it at some length. It did pass here earlier. Naturally, I am disappointed that the whole sum of money that was requested could not be provided, but it seems that decisions have been made by people who are more familiar than I am with the amount of money that is available for various projects to provide \$50,000, or that this might be provided if it meets with the approval of this Senate. The money would be used to continue providing services for people who are unable to pay for those services themselves. I think it is a good bill and one which ought to be adopted.

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

Mr. CYR: Mr. President and Members of the Senate: This bill here is a foot in the door. It is a \$50,000 foot. Just wait until the rest of the body comes in and you will find out how much it is going to cost. It is a new program, as far as the state is concerned. It is federally funded and also, as I understand it, the Bar Association has subscribed some funds to it. As I understand it, at least as I have been told, the reason for it is that some of the work, according to the code of the legal association which requires them to donate a certain percentage of their time for charitable work, instead of doing that, they are passing it through this subsidy or this grant through their association, which goes to help out.

Now, I have nothing derogatory in regard to this program. It is a federal program, and if it is federally funded, well and good. However, I don't believe that the State of Maine can afford to take over this program any more than the State of Maine should have, for instance, a medical program to take care of the services of the low income. It is in the same category. For discussion with some merit that helped postponement of this bill.

We also have another bureau, the Consumer Bureau, in the Attorney General's Office which takes care of consumer complaints, which, in essence, should be the bureau that should be taking care of all these legal problems that the low income come across. For those reasons, I hope you support the indefinite postponement.

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

Mr. MERRILL: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Berry, pointed out

very rightly that this issue was debated at some length before. I think there was a discussion with some merit that helped clarify the issue, and I remember at the end of that discussion it was the will of the Senate to pass this bill along. I hope that will be the result of it today. I remember, thinking back on that discussion, that many Senators rose of different philosophical views and different views toward the activeness with which the judicial system, the judicial branch, should be used and spoke on this. And the consensus, I think, of everyone who has had a chance to see the merits and the problems of Pine Tree, and to judge both, was that this program should be passed.

I would just like to make one comment, or maybe two. We give people a lot of rights, or they have a lot of rights that they retain in the constitution and in our laws, and those rights aren't only in the area of criminal laws and their rights to fair trial, but there are other rights that we grant to people in terms of civil remedies, in terms of contract rights, in terms of warranty rights when they buy products. These rights are meaningless unless the people have some legal representation. They are meaningless to people who can't afford legal representation. And I don't think that this legislature would intentionally grant rights only to the people who have enough money to afford a lawyer, but that would be the effect of it unless we assured that people had a chance for legal representation in these matters.

Now, there was reference made to why maybe some lawyers supported this, and there was reference made to the fact that it was a sort of a way, a cheap way, that we could get out of our pro bono work. I don't think that is the case. Certainly what we have found is that there has to be some supplement to that tradition in the law, a tradition that most lawyers hold to be important, there had to be some supplement to that in terms of some public service law, and Pine Tree has filled this need. But in the area that I come from of the state, there is presently a program going on of cooperation between Pine Tree and lawyers who wish to donate a good deal of their time every week to provide legal services to people. The administration work is done by Pine Tree, and much of the legal time, time which would otherwise be billed at \$50 or in excess an hour, is donated by members of the bar.

So voting for this today is neither a way to throw a sop to the lawyers who don't want to do their pro bono work or a way of assuring that somebody else will be doing it. I think that voting for this today is to continue the tradition in the law that everybody should have a right to legal representation when they have a wrong, and I think that it is a bill that merits passage by this Senate. I too am troubled by the fact that the amount has been cut to an amount which I suppose represents something more than a token amount, but certainly a substantial cut from its original request, but I hope the Senate would stand by its previous action and pass this bill and enact it.

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

Mr. CONLEY: Mr. President and Members of the Senate: This apparently is the first bill of those being selected out of the recommendations of the Appropriations Committee and the review

made by the leadership relative to the many LD's that are on the Appropriations Table. What the good Senator from Cumberland, Senator Berry, has stated relative to a vote by the Appropriations Committee is probably accurate. It is also my understanding that they not only took one vote on this bill but they took several votes as to how this bill would go, and the last decision made was, I believe — and if I am wrong, I am sure the Chairman of Appropriations can correct me — my understanding is that it was a six-to-four vote that it should pass.

Many of the bills that are on this table that are being considered here this afternoon probably had six-to-four votes. Some probably were turned down six-to-four. There may be even one or two votes here that were seven-to-three ought not to pass, that after reviewing the entire list, they asked what the reasoning was, and then consulted back with the full Appropriations Committee and reversed their thinking.

I think this bill is important. It had the unanimous support of every member in leadership. It had the support of both the House and Senate Chairmen at the time that these things were reviewed. So I would ask the Senate to support the enactment of this bill. And Mr. President, I would ask for a roll call.

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

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

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: I think as lawyers' fees go, this is a mere pittance, and I think we ought to go all the way and raise the \$500,000 or else not raise any, because this won't go very far with lawyers' fees. Further than that, we are starting a new program under state auspices which has been formerly funded by federal funds, so it means more expansion in state government and I don't think the people in Maine at large want this. So I am very much in favor of indefinite postponement.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I would like to raise my voice in favor of this bill. I think this Pine Tree Legal Association is a most worthy cause. One of the most heartening signs of our times is the fact that young lawyers are going into this kind of work, they are doing social service work. And certainly there is no group that needs legal help more than the low income people. Cynics have often said about our society that there is one law for the rich and another law for the poor, because the poor are not able to get legal help and do not understand the laws by which they could benefit. This organization helps them and helps our state and, therefore, should get state help as well as federal help.

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

Mr. CORSON: Mr. President, when the vote is taken, I request permission to pair my vote with that of the Senator from York, Senator Marcotte. If Senator Marcotte were here, he would be voting in

favor of the bill, and I would be voting against the bill.

The PRESIDENT: The Senator from Somerset, Senator Corson, requests leave of the Senate to pair his vote with the Senator from York, Senator Marcotte, who, if he were here, would be voting "Yes" on the question of enactment, and the Senator from Somerset Senator Corson, would be voting "No". Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, is this for enactment? A "Yes" vote is to enact and a "No" vote is against it, is that correct?

The PRESIDENT: The Chair would answer in the affirmative. The pending question before the Senate is the enactment of L. D. 438. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Cianchette, Collins, Conley, Cummings, Curtis, Graham, Huber, Johnston, Merrill, Reeves, Speers, Trotzky.

NAYS: Senators Berry, R.; Carbonneau, Cyr, Graffam, Greeley, Hichens, McNally, O'Leary, Pray, Roberts, Wyman.

ABSENT: Senators Berry, E.; Clifford, Danton, Gahagan, Jackson, Katz, Thomas.

A roll call was had. 12 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with two Senators pairing their votes and seven being absent, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I move reconsideration and would hope the Senate vote against it.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby this bill was passed to be enacted.

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

The PRESIDENT: A roll call has been requested. 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 Cumberland, Senator Conley, that the Senate reconsider its action whereby this Bill was passed to be enacted. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, R.; Carbonneau, Cianchette, Corson, Cyr, Graffam, Greeley, Hichens, McNally, O'Leary, Roberts, Wyman.

NAYS: Senators Collins, Conley, Cummings, Curtis, Graham, Huber, Johnston, Merrill, Pray, Reeves, Speers, Trotzky.

ABSENT: Senators Berry, E.; Clifford, Danton, Gahagan, Jackson, Katz, Marcotte, Thomas.

A roll call was had. 12 Senators having

voted in the affirmative, and 12 Senators having voted in the negative, with eight Senators being absent, the motion did not prevail.

#### Enactor

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

#### Emergencies

An Act to Establish the Maine Vocational Development Commission. (H. P. 1458) (L. D. 1785)

An Act to Provide for Full-time Administrative Officers in the Senate and House of Representatives. (S. P. 503) (L. D. 1859)

These being emergency measures and having received the affirmative votes of 26 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.

#### Papers from the House Joint Order

WHEREAS, the Legislature has proposed for the approval of the voters an amendment to the Constitution providing for the abolition of the Executive Council and redistributing its powers and duties; and

WHEREAS, this Constitutional amendment requires confirmation by the Legislature of the appointment of Justices of the Supreme Judicial Court and other judges; and

WHEREAS, delays in confirmation of the appointment of justices and judges may result in delays within the judicial process; and

WHEREAS, it is the desire of the Legislature that such delays be avoided; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be directed, through the Joint Standing Committee on Judiciary, to examine the proposed constitutional amendment to abolish the Executive Council for the purpose of ascertaining whether any problems relating to delays in the confirmation of appointments of justices and judges will arise therefrom; and be it further

ORDERED, that the judicial branch of State Government is most respectfully requested to cooperate with the committee in this study; and be it further

ORDERED, that if the proposed constitutional amendment is approved by the voters in November, 1975, that the Council report its findings together with any proposed recommendations and necessary implementing legislation to the next regular or special session of the Legislature following such approval; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted to the Chief Justice of the Supreme Judicial Court and to the members of the Judicial Council as notice of the request made herein. (H. P. 1782)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order

WHEREAS, the Legislature has passed to be submitted to the voters for approval a Constitutional amendment abolishing the Executive Council and redistributing its powers and duties; and

WHEREAS, if this Constitutional

amendment is passed by the voters its effective date will be January 4, 1977; and

WHEREAS, passage of this Constitutional amendment by the voters will require changes in the Revised Statutes before January 4, 1977 in order to make the statutes conform to the Constitution; and

WHEREAS, such statutory changes require careful study and consideration; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council through the Joint Standing Committee on State Government, be directed to study the Maine Revised Statutes with the purpose of amending such statutes to conform with the proposed amendment to the Constitution abolishing the Executive Council and in conformity with the following directions:

In regard to appointments by the Governor:

1. The statutes shall declare which positions require legislative confirmation;

2. The statutes shall specify which committee shall conform;

3. The statutes shall specify as many positions as possible requiring legislative approval for a term coterminous with that of the Governor;

4. The statutes shall permit the Governor to withdraw his nomination at any time prior to final confirmation;

5. The statutes shall allow any officeholder to remain in office until his successor is finally confirmed.

In regard to approved transfer of funds, a provision relating to the approval of departmental transfers of funds shall be included in the recommendations of the committee; and be it further

ORDERED, that the Department of the Attorney General and any other state agency from which assistance is requested are respectfully requested to cooperate with the Committee on State Government in this study; and be it further

ORDERED, that the report of the Committee on State Government, along with legislation implementing such report, be submitted to the next session of the 107th Legislature if the proposed Constitutional amendment is approved by the voters in November, 1975; 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. 1781)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Resolution STATE OF MAINE

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

Joint House Resolution Urging the State of Maine, Maine Municipalities and Certain Contractors to Purchase and Use Maine Cement

WHEREAS, the construction industry is one of the major industries of our State, purchasing raw materials worth millions of dollars each year; and

WHEREAS, one of the most important of these raw materials is cement, used to build bridges, to construct buildings and for countless other purposes; and

WHEREAS, the manufacture of cement is also a major industry in Maine and in

the United States, employing hundreds of workers in Maine and many thousands throughout this country; and

WHEREAS, certain foreign manufacturers, subsidized by their governments, are able to sell their cement in the United States at a price pennies a bag cheaper than cement manufactured by unsubsidized American manufacturers; and

WHEREAS, this subsidized competition threatens numerous jobs in Maine and throughout the country; and

WHEREAS, much of the construction accomplished in this State is construction for state and municipal purposes; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature in regular session assembled, respectfully request and urge all agencies of this State, all municipalities of this State and all contractors working for this State and for its municipalities to give preference to the purchase and use of Maine cement over foreign cement whenever economically feasible; and be it further

RESOLVED: That upon passage in concurrence, the Secretary of State shall send suitable copies of this resolution to the Governor, to the Maine Municipal Association and to the Associated General Contractors of Maine. (H. P. 1783)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

#### 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 Jurisdiction of the Human Rights Commission to Grievances of Ex-Offenders" (H. P. 1114) (L. D. 1416) have had the same under consideration, and ask leave to report: That the House recede and that the bill be granted "Leave to Withdraw"; that the Senate recede and that the bill be granted "Leave to Withdraw" in concurrence.

On the part of the House:

DAVIES of Orono  
CONNOLLY of Portland  
McMAHON of Kennebec

On the part of the House:

CLIFFORD of Androscoggin  
SPEERS of Kennebec

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

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

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

In the Senate June 27, 1975, Fails of Final Passage, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "C" (H-851), in non-concurrence.

Mr. Speers of Kennebec moved that the Senate Recede and Concur.

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

Mr. BERRY: Mr. President, for a number of reasons, not the least of which is to shorten the session, I would hope that we

would oppose the motion to recede and concur.

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

Mr. CIANCHETTE: Mr. President, I urge forgiveness if I am being repetitive today, but here is another bill before us now to vote on, and I am concerned that if we go too far with amending the constitution to give the legislature or give the people more government, I think this bill could say to the people that the legislators have taken over the duties of the Governor's Council, now they are going to perpetuate themselves by providing for annual sessions, and we are leading down the road to a full-time legislature. I don't think we need this bill now, I don't think it will be well received, and I hope the Senate would vote not to recede and concur.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think we need the bill and I think the people know that we have annual sessions in fact anyway, and to continue to pretend that there is something special about the annual or semiannual "special session" that we hold; I think is a charade that the people would probably be happy to see us stop playing. I would hope that the Senate would vote to recede and concur to put us in a posture of concurrence and, hopefully, thereby shorten the session.

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

Mr. CARBONNEAU: I have somewhat of a problem with this bill, Mr. President, and that is that if we are talking about annual sessions, we are also talking about annual pay. As I understand it, at the beginning of the annual session we get so much a year. Now, if we go into annual sessions rather than biannual, then we have the same pay for every two years. This is not explained properly to my satisfaction.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I ask permission to pair my vote with Senator Clifford, who, if he were here, would vote against the bill, and I would vote for it.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, requests leave of the Senate to pair her vote with the Senator from Androscoggin, Senator Clifford, who, if he were here, would be voting against the motion to recede and concur and the Senator from Penobscot, Senator Cummings, would be voting to recede and concur. Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that the Senate recede and concur with the House. Will all those Senators in favor of receding and concurring please rise in their places until counted. The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I know that.

The PRESIDENT: For what purpose does the Senator rise.

Mr. CIANCHETTE: I was going to ask somebody to perhaps table this until later in today's session.



The PRESIDENT: The Chair would advise the Senator that his motion is out of order at this time as the vote has been taken. The only motion that would be in order would be to request a roll call.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I so request.

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

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

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. Cianchette then moved that the Resolution be tabled until later in today's session, pending the motion by Mr. Speers of Kennebec to Recede and Concur.

On motion by Mr. Conley of Cumberland, a division as had—12 having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Speers, to recede and concur. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLLCALL

YEAS: Senators Berry, E.; Collins, Conley, Corson, Curtis, Cyr, Graham, Hichens, Huber, Johnston, Merrill, Pray, Reeves, Speers, Thomas, Trotzky.

NAYS: Senators Berry, R.; Carbonneau, Cianchette, Graffam, Greeley, McNally, O'Leary, Roberts, Wyman.

ABSENT: Senators Danton, Gahagan, Jackson, Katz, Marcotte.

A roll call was had. 16 Senators having voted in the affirmative, and nine Senators having voted in the negative, with two Senators pairing their votes and five being absent, the motion prevailed.

#### Order

On motion by Mr. Berry of Androscoggin (Cosponsor: Mr. Pray of Penobscot)

WHEREAS, the Honorable Jane Callan Kilroy of Portland served as a Member of the Legislature for many years, and during that time was an inspiration to its members; and

WHEREAS, she was noted for her sunny wit, her helpful smile, and her kind advice; and

WHEREAS, during the last days of previous legislative sessions, she often led the Legislature in song, its members gathered in the rotunda of the statehouse, their voices lifted in fond remembrance of the contests and glories of the session almost past; and

WHEREAS, it is most appropriate for the Legislature to show its respect and admiration for her in a manner which she would have appreciated and enjoyed; now, therefore, be it

ORDERED, the House concurring, that, in honor of Representative Jane Callan Kilroy who inspired us so often to fond melodies and soaring song, a piano be moved into the rotunda of the statehouse during the 107th legislative day of the legislature, to enable Legislators and passers-by to commemorate in music the glorious session almost past; and be it further

ORDERED, that upon passage in concurrence, a delegation composed of 2 Senators appointed by the President of the Senate and 2 Representatives appointed by the Speaker of the House be sent forthwith to bring a suitable piano into the rotunda to carry out the purposes of this Order. (S. P. 612)

Which was Read and Passed.  
Sent down for concurrence.

#### Enactor

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

#### Emergency

An Act Relating to Purchase of Spirituous, Vinous and Malt Beverages by Licensees for Resale. (H. P. 1779) (L. D. 1946)

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

Mr. GRAFFAM: Mr. President, I would request a roll call.

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

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, as a member of the Taxation Committee, I would just like to say in regards to this item that it is really to clear up a misunderstanding that has existed in regards to whether or not there can be the 10 percent on top of the 30 percent discount that there has been in the past. As you know, we just took action recently to end that in regards to licensees, and this is to make clear that the 10 percent discount of the days past is gone, and what it will provide for is that the licensees will get the regular 10 percent discount in the York County area that everyone else gets by going to the York liquor store. I think it is necessary to clear up some of the problems that we had with the other bill.

I know that it is supported downstairs, and I hope it will receive the support of not only the Senators that supported the other bill but of the Senators that would just like to see us, now that we have passed that and it has been signed into law, just see us make certain that the motives behind passing it will actually be accomplished.

It is an emergency bill, so it can go into effect immediately and prevent the licensees from defeating the purpose of our previous action by stockpiling a great amount of liquor over the summer in a three-month period until this act becomes law.

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

Mr. HICHENS: Mr. President, may I ask if this bill has been put on our desks yet?

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

Mr. BERRY: Mr. President, this bill is in our list of enactors under its L. D. number, L. D. 1946.

The PRESIDENT: The Chair thanks the Senator.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Thereupon, on motion by Mrs. Cummings of Penobscot,

Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

The PRESIDENT: The pending question before the Senate is the enactment of L. D. 1946, An Act Relating to Purchase of Spirituous, Vinous and Malt Beverages by Licensees for Resale. This being an emergency measure, it requires two-thirds of the entire elected membership of the Senate for its enactment. A roll call has been ordered.

The pending question before the Senate is the enactment of L. D. 1946. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Cianchette, Collins, Conley, Corson, Cummings, Curtis, Cyr, Graham, Greeley, Huber, Johnston, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, R.; Carbonneau, Graffam, Hichens.

ABSENT: Senators Clifford, Danton, Gahagan, Jackson, Katz, Marcotte.

A roll call was had. 22 Senators having voted in the affirmative, and four Senators having voted in the negative, with six Senators being absent, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. SPEERS: Mr. President, having voted with the majority, I move reconsideration and urge the Senate to vote against the motion.

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

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

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

Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 609) (L. D. 1945)

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

Pending — Acceptance of the Committee Report.

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

Mr. Huber of Cumberland then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-387, was Read and Adopted.

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

Mr. HICHENS: Mr. President and Members of the Senate: Before we send this bill along, I would like to draw your attention to an item on page 3, the appropriation of L. D. 299. I would like to read portions of 299. Stricken from the present law is this sentence: "The services of the laboratory and all investigations made shall be free to the people of the



State, except that the department, subject to the approval of the Governor and Council, may fix charges when deemed advisable or necessary." I remind you again this has been stricken from the law. In its place is inserted the following: "The department shall charge the average costs for certain services rendered by the diagnostic laboratory. Costs shall be recalculated at least annually and imposed with the approval of the Governor and Council. The department is directed to establish a dedicated revenue account for fees derived from microbiological testing to be used for conducting such testing."

Also is deleted the last sentence in the present law. "The department may make a charge, not to exceed \$2, for chemical and bacteriological examination of private water supplies. All such fees collected shall be credited to the General Fund."

I share the sentiments of a doctor from Fairfield who wrote me as follows:

"I would like to, at this time, point to the fact that fee for service for diagnostic laboratory services of the Department of Health and Welfare is a move against better health care for the population of Maine.

"Primarily the people receiving these free services at this point were indigent patients who could not afford out patient hospital or office lab expenses. If the state now charges for these, then there is no reason that the patient would be able to afford the state's fee any more than they cannot afford the private outpatient fees now. This would eliminate this population from receiving these needed diagnostic studies. There are many important areas where this should not be done."

Along with the fees for diagnostic laboratory services, which includes testing for most diseases, the elimination of the last paragraph requires fees up to \$14 for water testing. It is my contention that many people are not going to bother to get their well tested when fees are raised.

Similar bills have been defeated during the past two sessions that I have been in the Senate. But whereas this is a recommendation of the Governor's Cost Management Survey report, it undoubtedly will be enacted this year. I am not going to try to amend L. D. 1945 at this late date but, nevertheless, I do want to go on record as opposing L. D. 299 and its inclusion in this additional appropriations package.

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

Mr. BERRY: Mr. President and Members of the Senate: If I may, briefly, the bill has been amended, and if I may take this out of the text of a communication I have: the amendment directs the diagnostic laboratory of the Department of Health and Welfare to become financially self-sufficient insofar as possible by allowing the laboratory to charge fees for services. It is proposed that the diagnostic laboratory be permitted to charge an average cost for some of its services. Certain services considered to be essential to the maintenance of public health, such as those related to the diagnosis of tuberculosis and venereal diseases, will continue to be provided at public expense. Dr. Charles H. Okey, Director of the Public Health Laboratory, has indicated a preference for this bill over the original version. He believes that a fee schedule should be established which would make possible the generation of approximately \$100,000 each year of the

biennium, based on the present usage of the laboratory.

Mr. President, I would submit that the State of Maine has long been subsidizing people in private business who collect for these fees when they charge them to their patients, and I think it is time that the state returned some of this revenue to its fund. I would ask you to support the bill.

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

Mr. HUBERT: Mr. President and Members of the Senate: I realize this bill has appeared quite recently and I would like very briefly to go through the various provisions of the bill.

In section A, \$25,000 is provided to the Department of Business Regulation. This is because the fees which were anticipated to cover the costs to this department simply did not do so after the department was transferred from the Attorney General's Office to the Department of Business Regulation. The fees, by other legislation in this session, have been increased and will cover this cost in the future, but this \$25,000 makes up the present lack within this department.

This bill also provides \$102,000 which makes up the interest to the Teachers Retirement Fund, which will be foregone by deferral of two payments during the latter half of the first year of the biennium. These payments are made up themselves in the first part of the second year of the biennium, and in making up this interest, I believe, the Teachers Retirement Fund is in no way harmed by the supplemental budget, as long as this provision is provided to make up the interest.

The next item is \$9,792 for various town histories. I personally am not terribly in favor of this, but this being the bicentennial year, perhaps this is most inappropriate year to discontinue this past practice of the legislature.

The largest amount in this bill is \$400,000 to the Department of Finance and Administration for tax relief of the elderly, which will supplement the \$900,000 provided in L. D. 1937. The expansion of rent relief for the elderly, tax relief for the elderly, I think then is adequately funded at the level of \$1,300,000 for the one-year period. I think this is legitimate funding. Despite some claims that the cost will be higher, I have figures from the Maine Committee on Aging which bear this out.

This bill also covers the provisions of L. D. 299, which was previously discussed. It corrects a misallocation within the Department of Health and Welfare in the amount of \$62,000 in each year of the biennium. This was simply an error of putting it in the wrong account and it corrects this error of when we put the Part I Budget together, L. D. 1909. This reinstates \$25,000 for one year of funding of the Saco River Corridor Commission. It provides the funds for continuation of ferry service to Matinicus in the amount of \$7,500 for each of the two years of the biennium. It funds the fiscal note on L. D. 1547; this is \$14,300 to the Bureau of Taxation, and also provides the funds for L. D. 1891 in the amount of \$63,000 for each year.

I think the items in this bill are justified. The other two sections of the bill are: section B, to take care of a specific problem in the district court system; section C provides the language from L. D. 540, which was previously funded in the supplemental budget. As I say, I think all

of the provisions in this additional funding document are justified, and I hope it will receive passage.

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

Mr. ROBERTS: Mr. President, may I ask a question through the Chair as to an explanation of amendment S-387 as it applies to the Saco River Corridor? I am a little confused.

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: The amendment S-387, deleted the language in the section on the Saco River Corridor Commission, which language provided that this was final funding for one year only. Our original proposal for the Saco River Corridor Commission was \$18,000 in the first year of the biennium and \$12,000 in the second year of the biennium. The people concerned with the Commission felt that the drop in the first year of the biennium to \$18,000 would, in effect, terminate the Commission. They therefore suggested that we provide the \$25,000 in the first year to give them time to look up additional sources of funding for the second year.

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

Mr. O'LEARY: Mr. President, I noted in legislation that went through here in the previous legislation that the Saco River Corridor Commission asked for and received, I believe it was in the neighborhood of \$49,000. This \$49,000 was supposed to be for one year only and they would never ask for any more funds. Now, of course, they are back here again asking this year.

As I look at this legislative document, it says it is the intent of the legislature that funding of this account shall not continue beyond 1975 and '76, and this is the part that is amended out by Senate Amendment "A". So it would appear to me then it would be the intent that the legislature is going to continue in the future, in all future legislatures, to fund this Saco River Corridor Commission. Therefore, Mr. President, I would ask that we reconsider our action whereby we adopted Senate Amendment "A".

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

Mr. HUBER: Mr. President and Members of the Senate: I would oppose this motion to reconsider. I think the people concerned with this Commission do have a legitimate point in trying to properly fund their first year because this is essentially funding to allow this Commission to survive through the first year. If they don't survive, there is no way they can look for additional funds. If they can get through the first year, perhaps they can generate enough local credibility and local confidence to go off on their own. I would suggest that we do provide this one year funding, and wrestle with the second problem, if in fact it appears, in the second year of the biennium.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary that the Senate reconsider its action whereby it adopted Senate Amendment "A". 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.

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

Mr. CURTIS: Mr. President and Members of the Senate: I don't have an amendment to offer to this bill or anything of the kind, but I do want to take the occasion to make one final statement, and you won't hear from me again about this, about the problems of the University of Maine.

I had a number of questions asked after I made my statement earlier this week about some specific examples, and I think it is just important that we view the situation that we have put the University in by failing to fund satisfactorily their budgets. There are this year at least 20 faculty members from the University of Maine at Orono who are leaving UMO for higher paying jobs at other universities.

Now, I mentioned one individual before, and I guess I would like to give you the specifics of this assistant professor of music. He is departing the University of Maine at Orono, where he is receiving \$14,000 a year, to take a job in the Illinois high school system in Napierville, Illinois at \$24,000 a year. Some of the other examples that I think really bring home the situation: there is an assistant professor of food sciences leaving a job at \$14,500 to take one at \$16,000; a botany professor leaving a job at the University paying \$21,900 for one at Colorado State at \$30,000; there is a wildlife management associate professor leaving a job at \$17,600 at Maine to take one at the University of New Mexico for \$22,000; there is an extension agent in the forestry area leaving a job at \$15,000 to take one at over \$16,000; there is an associate professor of education leaving a \$13,000 job to take one at \$20,000 in the Boston School District. There are situations in all of these departments and many more.

I guess the final one that you may have read something about in the newspaper, rather than read this whole kind of horror list of specifics, is a woman leaving a student affairs staff job at \$14,000 at the University of Maine to take a similar job at Johns Hopkins at \$28,000, just double. What is happening is that the board of trustees of the University just recently announced that they would be freezing all salaries and all wages. As a consequence, it will be at least another year before the university can even try to correct this problem.

We haven't helped the situation very much by failing to provide any additional funding for the University. I know, again, that this is not a line item situation and the University is not directly a state agency, but I would suggest the danger is that the University will turn into a second-class institution if our best professors are forced to leave it. The second danger is that the morale of people such as the classified employees at the University will really go down hill when they realize that the legislature has funded step increases for state employees in a classified system but has not provided the money necessary for step increases for classified employees at the University.

I would like to express my appreciation to leadership for about a week ago listening to me make the request for an additional funding of \$207,000 so that those step increases for fiscal year '76 for classified employees only could be funded. Unfortunately, we all know about the tight

money situation, but I thought that I would like to get this item off my chest because I think that we are doing a disservice and I hope that everybody in state government as the months go on realizes that something has got to be done to improve the situation.

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

Mr. CYR: Mr. President, I am glad to hear the good Senator from Penobscot is concerned about the squeeze on the budget. I am also glad that he realizes there is a tight situation as far as money is concerned. However, I would like to remind the good Senator that he just voted for his bill for Pine Tree Legal, which dips into the coffer for \$50,000 for a program which is funded \$500,000 from federal funds, and what they want is to just expand their own program at the expense of state funds. I would like to ask the good Senator a question. If he was given a choice of priority, which one would he choose, to fund the Pine Tree Legal Association or to fund the University of Maine shortage?

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

Mr. CURTIS: Mr. President, I would like to answer that question. It is a valid question, and if I were in a position to establish the priorities, and if the amount of money available were sufficient to even make that, like I said, dent, or provide the \$207,000, there is no question in my mind but that the state should fund the amount of money necessary so that state and university employees are treated equally.

The PRESIDENT: Is the Senate ready for the question? The pending question is the engrossment of L. D. 1945. Is it the pleasure of the Senate that the rules be suspended and that this bill be passed to be engrossed and sent down to the House for concurrence?

It is a vote.

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) Emergency

Tabled — June 26, 1975 by Senator Speers of Kennebec.

Pending — Enactment.

(In the House — Failed of Enactment.)

On motion by Mr. Greeley of Waldo, a division was had, 22 having voted in the affirmative, and two having voted in the negative, the Bill was Passed to be Enacted in non-concurrence.

Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot,

Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

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

Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay. (H. P. 1154) (L. D. 1448)

An Act Exempting Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax. (H. P. 1325) (L. D. 1626)

An Act to Equalize the Offset of Workmen's Compensation Benefits Against Certain Retirement and Social Security Benefits. (H. P. 1450) (L. D. 1721)

An Act to Exempt Nonprofit Historical Societies and Museums from Payment of Sales Tax. (H. P. 1326) (L. D. 1627)

On further motion by Mr. Huber of Cumberland, the Bills and Resolves were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

An Act to Exempt Nonprofit Health Care Corporations from Sales Tax on Medical Supplies and Equipment Donated to Patients. (H. P. 74) (L. D. 86)

An Act to Exempt Incorporated Fire Fighters Associations from the Sales Tax. (H. P. 156) (L. D. 191)

An Act to Exempt Fuel Adjustment Charges from the Sales Tax. (H. P. 189) (L. D. 266)

An Act to Exempt Fuel Adjustment Charges from the Sales Tax. (H. P. 189) (L. D. 266)

An Act to Exempt Scouting Supplies and Equipment from State Sales Tax. (H. P. 521) (L. D. 638)

An Act Exempting Alcohol and Drug Abuse Centers from Payment of State Sales Tax. (S. P. 265) (L. D. 864)

On further motion by Mr. Huber of Cumberland, the bills were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

An Act Providing Funds for a Fishway at Sherman Lake Outlet in Newcastle. (H. P. 221) (L. D. 277)

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

An Act Relating to Educational Benefits for Dependents of Veterans and Prisoners of War and Those Missing in Action. (S. P. 118) (L. D. 383)

An Act to Provide Excise Tax Refund for Construction and Operation of Breweries Within the State. (H. P. 369) (L. D. 463)

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

On further motion by Mr. Huber of Cumberland, the Bills were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Resolve, Providing for Purchase of Copies of Town Histories. (H. P. 1381) (L. D. 1410)

On further motion by Mr. Huber of Cumberland, the Resolve was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Resolve Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction. (H. P. 14) (L. D. 22)

Resolve to Reimburse Mrs. Betty Mills of Portland for Damage to Property Caused by Escapees from the Boys Training Center. (H. P. 29) (L. D. 37)

Resolve, to Reimburse William Rich of Buckfield for Loss of Beehives by Bear. (H. P. 65) (L. D. 77)

Resolve, to Reimburse Ernest F.

Murphy of Old Orchard for a Claim Concerning a Tax Refund for Retail Gasoline Shrinkage. (H. P. 68) (L. D. 80)

Resolve, to Reimburse the Town of Dennysville for Welfare Expenditures. (H. P. 120) (L. D. 145)

Resolve, to Reimburse Paul R. Nyburg of Mechanic Falls for Motor Vehicle Damage Caused by State Ward. (H. P. 45) (L. D. 57)

Resolve, to Reimburse Evelyn Bass of Bucksport for Loss of Beehives by Bear. (H. P. 192) (L. D. 228)

On further motion by Mr. Huber of Cumberland, the Resolves were Finally Passed in concurrence

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

Resolve to Reimburse Virginia A. Brann of Winsor for Motor Vehicle Damage Due to State Construction. (H. P. 196) (L. D. 240)

Resolve, to Reimburse Gordon Wiley of Littleton for Loss of Poultry by Fox. (H. P. 265) (L. D. 312)

Resolve, to Reimburse Marcia S. Webster of Auburn for Loss by Fire Caused by State Ward. (H. P. 268) (L. D. 316)

Resolve, to Reimburse G. Gordon Gilman of Stow for Loss of Bee Hives by Bear. (H. P. 291) (L. D. 343)

Resolve to Reimburse Edgar Tupper of Madison for Loss of Beehives by Bear. (H. P. 493) (L. D. 612)

On further motion by Mr. Huber of Cumberland, the Resolves were Finally Passed in concurrence.

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

Resolve to Reimburse A. L. Stewart and Sons of Cherryfield for Loss of Beehives by Bear. (H. P. 335) (L. D. 418)

Resolve to Reimburse Thomas F. Oechsle of East Holden for Damage to Beehives by Bear. (H. P. 883) (L. D. 1055)

Resolve, to Reimburse Norman Call of Levant for Loss of Cattle Destroyed by Bear. (H. P. 959) (L. D. 1207)

Resolve, to Reimburse Lawrence H. Roberts of South Portland for Damage to his Automobile Caused by State Ward. (H. P. 973) (L. D. 1222)

On further motion by Mr. Huber of Cumberland, the Resolves were Finally Passed in concurrence.

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

Resolve, to Refund Clyde Wardwell of Mexico a Portion of Liquor License Fee Due to Loss of Business by Fire. (S. P. 376) (L. D. 1227)

Resolve, to Reimburse W. E. Emery of North Anson for Loss of Livestock by Coyotes and Bear. (H. P. 1090) (L. D. 1369)

Resolve to Reimburse Briana Hinkley of Wilton for Injuries Received in the State Forestry Building at Weld. (H. P. 1481) (L. D. 1772)

Resolve to Reimburse Michael Forrester of Arundel for Loss of Livestock Destroyed by Dogs. (H. P. 1508) (L. D. 1839)

Resolve, Appropriating Funds for the Reimbursement of the Town of Stoneham for Property Declared Tax Exempt After the Determination of the State Valuation. (H. P. 1662) (L. D. 1914)

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

Mr. HUBER: Mr. President, I now move

that these resolves receive final passage and would like to speak briefly to my motion.

This first group of resolves on which passage was moved are all the smaller resolves covered by the Legal Affairs Committee. The total funding on these bills is \$10,714. I think they have been carefully screened by the Legal Affairs Committee both as to dollar content and as to the legitimacy of the claim.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Resolves were Finally Passed in concurrence.

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

An Act to Require Owners of Boarding Homes, Nursing Institutions and Certain Other Living Accommodations to Account for Funds of Persons Under Their Care. (S. P. 81) (L. D. 254)

An Act Increasing the Number of Official Court Reporters. (S. P. 127) (L. D. 413)

An Act Concerning Graves of Revolutionary War Veterans. (H. P. 64) (L. D. 76)

An Act to Eliminate Certain Sales Taxes to Patients in Hospitals. (H. P. 378) (L. D. 471)

An Act to Exempt New Machinery, Equipment and Supplies Used in Agricultural Production From the Sales Tax. (H. P. 386) (L. D. 479)

On further motion by Mr. Huber of Cumberland, the Bills were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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

An Act Relating to Funding of Richmond Schools for 1975. (H. P. 1667) (L. D. 1920)

Mr. Huber of Cumberland then moved the pending question.

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

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

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

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

Mr. Huber of Cumberland then moved the pending question.

These being emergency measures and having received the affirmative votes of 25 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.

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

An Act Increasing the Number of Associate Justices of the Supreme Judicial Court. (S. P. 147) (L. D. 510)

An Act Making a Supplemental Appropriation for the Supplemental Security Income Programs for the

Purpose of Increasing the Base Rate for Boarding Home Care. (H. P. 477) (L. D. 597)

An Act to Increase the Maximum Permitted Compensation of Directors of School Administrative Districts. (H. P. 570) (L. D. 706)

An Act to Provide for Marine Resource Education by the Department of Marine Resources. (S. P. 222) (L. D. 735)

On further motion by Mr. Huber of Cumberland, the Bills were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

An Act to Remove the Commissioner of the Department of Conservation from the Maine Land Use Regulation Commission. (S. P. 424) (L. D. 1390)

An Act to Exempt Lobster Fishing Boat Operators from Withholding State Income Taxes from Sternman's Share of Proceeds and to Provide that a Sternman will be Considered Self-employed for Purposes of Maine Income Tax. (H. P. 1246) (L. D. 1547)

An Act to Enable the Department of Health and Welfare to Conduct a Program to Provide Free Drugs to Elderly, Disadvantaged Maine Citizens. (H. P. 1413) (L. D. 1683)

An Act Appropriating Funds to Move an Indian Dwelling on the Penobscot Indian Reservation. (H. P. 1377) (L. D. 1708)

Mr. Huber of Cumberland then moved the pending question.

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

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

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

Mr. Huber of Cumberland then moved the pending question.

Thereupon, this being an emergency measure and having received the affirmative votes of 26 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.

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

An Act Relating to the Employment of Veterinarians by the Commissioner of Agriculture to Ensure Compliance with the Harness Racing Statutes. (H. P. 616) (L. D. 761)

An Act to Provide Funds for the Continuation of Children's Mental Health Services Within the State of Maine. (H. P. 623) (L. D. 777)

An Act to Create a Non-Geographic School Administrative Unit for the Bureau of Corrections. (H. P. 645) (L. D. 797)

An Act Making Financial Aid Formulae Consistent with the 100 Percent State Valuation. (H. P. 648) (L. D. 800)

An Act to Exempt Incorporated Nonprofit Volunteer Literacy Programs from the State Tax. (H. P. 790) (L. D. 963)

On further motion by Mr. Huber of Cumberland, the Bills were Indefinitely Postponed in non-concurrence.



Sent down for concurrence.

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

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

Mr. Huber of Cumberland then moved the pending question.

Thereupon, this Bill being an emergency measure and having received the affirmative votes of 24 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.

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

An Act Concerning Disaster Relief Under the Civil Emergency Preparedness Statutes. (H. P. 899) (L. D. 1086)

An Act to Improve Procedures Under the State Employees Labor Relations Act. (H. P. 916) (L. D. 1130)

An Act Appropriating Additional Funds to Provide Matching Funds for State Participation in the United States Department of Commerce Sea Grant Program. (H. P. 923) (L. D. 1140)

An Act Relating to School Administrative District No. 53. (S. P. 526) (L. D. 1891)

Mr. Huber of Cumberland then moved the pending question.

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

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

An Act to Raise the Tax on Beer, Wine and Other Alcoholic Beverages to Provide Operating Funds for Alcohol Treatment Facilities. (H. P. 773) (L. D. 944)

An Act to Require the Bureau of Purchases to Publish a Manual on State Purchasing. (S. P. 323) (L. D. 1100)

An Act to Provide a Cost-of-Living Increase to Supplemental Security Income Recipients. (S. P. 349) (L. D. 1149)

An Act Establishing a Consumer Complaint Office Within the Public Utilities Commission. (H. P. 1019) (L. D. 1298)

On further motion by Mr. Huber of Cumberland, the Bills were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

An Act Relating to Definition of Out-of-State Service Under State Retirement System. (H. P. 73) (L. D. 85)

An Act to Require the Department of Transportation to Maintain the Ferry Ramp at Frenchboro, Long Island Plantation. (H. P. 86) (L. D. 121)

An Act to Increase Boarding Allowance for Students of Coastal Islands. (H. P. 232) (L. D. 288)

An Act Establishing a Fee-for-Service System for the Diagnostic Laboratory, Department of Health and Welfare. (H. P. 246) (L. D. 299)

Mr. Huber of Cumberland then moved the pending question.

Thereupon, the Bills were Passed to be Enacted and, having been signed by the President, were by the Secretary

presented to the Governor for his approval.

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

An Act to Amend Certain Eligibility Dates for the Pay Adjustment Granted to Certain State Employees and Officers. (S. P. 412) (L. D. 1311)

An Act to Create a Commission to Prepare a Revision of the Eminent Domain Statutes. (S. P. 426) (L. D. 1392)

An Act to Amend the Taxing Provisions Under the Catastrophic Illness and Medically Indigent Program. (H. P. 1162) (L. D. 1461)

An Act to Expand Transportation Services of the Bureau of Maine's Elderly and to Provide Transportation of Blind, Disabled and Handicapped Persons. (S. P. 466) (L. D. 1519)

On further motion by Mr. Huber of Cumberland, the Bills were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

An Act Relating to the Procedures for State Valuation. (H. P. 523) (L. D. 640)

An Act to Provide an Agricultural Education Consultant Within the Department of Educational and Cultural Services. (S. P. 202) (L. D. 669)

An Act to Provide for Reimbursement of Election Expenses in Unorganized Towns. (H. P. 596) (L. D. 694)

An Act Establishing an Annual Sentencing Institute for the Maine Criminal Courts. (S. P. 320) (L. D. 1097)

Mr. Huber of Cumberland, then moved the pending question.

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

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

An Act to Exempt Community Based Mental Retardation Services From the Sales Tax. (H. P. 1255) (L. D. 1551)

An Act to Authorize the Leasing of Space in the Cumberland County Building by the Supreme Judicial Court. (H. P. 1283) (L. D. 1579)

An Act to Require the Executive Council to Inform the Governor and the Legislature of its Activities. (H. P. 1483) (L. D. 1620)

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

On further motion by Mr. Huber of Cumberland, the Bills were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

An Act to Provide State Relief to Household Holders Whose Property Taxes are an Extreme Burden Due to Such Household Holders' Insufficient Yearly Income. (S. P. 481) (L. D. 1671)

Mr. Huber of Cumberland then moved that the Bill and accompanying papers be Indefinitely Postponed.

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

Mr. MERRILL: Mr. President and Members of the Senate: Normally, and in regard to all the other bills that have been placed on the Appropriations Table, I would not speak against the recommendation that has been made. I recognize the role that is played in this appropriations process, that there is only so much money and it has to be divided up. However, I consider L. D. 1671 to be different in that it represents no cost in this biennium.

1671 would provide, if it were passed and enacted into law, that the people of Maine would have a chance to vote on whether or not to establish in this state, as has been established in the State of Vermont, a system to provide property tax relief to our citizens on the basis of a percentage of their adjusted gross income. That system is referred to generally as a "circuit breaker" system, and Maine was one of the states that broke ground a few years ago in setting up a circuit breaker system for our elderly. We refer to it as the Elderly Household Rent Relief Act.

Circuit breakers are based on the basis of need. They are based on the basis of looking at a person's adjusted gross income and on the principle that a person should not pay over a certain percentage of his adjusted gross income in property tax, and that when he does he gets a rebate of some or all of that money. The idea for a circuit breaker system originated in a study that was done by the Advisory Commission on Intergovernmental Relations, and the bill before us is the model bill, similar to the bill that was adopted in Vermont, that was recommended by that commission.

That commission has on it private citizens, members of the United States Senate, including our own Senator Edmund S. Muskie, members of the House, members of the executive branch, governors and mayors, and state legislative leaders of the country. They did a study about five years ago to decide whether or not we should continue with the property tax and, if we should continue with the property tax, what could be done to make it more equitable. What they decided was that the property tax should continue as a means of raising revenue but that there should be some system at the extreme to relate the amount of property tax paid to the amount of income that the person has. A model bill was written. Vermont has adopted what is essentially the model bill. I presented what was essentially the model bill to the beginning of this legislature. The Taxation Committee, through discussions with the Department of Taxation, adapted the bill to Maine procedures so that it would be as easy as possible to administer if it was enacted, and that is represented by the committee amendment which was put on the bill, and the bill was reported out unanimously Ought to Pass by the Taxation Committee.

I would like to emphasize a couple of things before I go on about this bill. The first thing is that it is a referendum measure. This bill will never take effect unless the people decide so. Secondly, there is no money necessary in this biennium. If the people vote to put this plan into effect, it will be the job of the 108th to fund this program. In that regard, I might also point out that Senator Edmund S. Muskie has before the United States Senate a bill which will reimburse states which have adopted circuit breaker



plans like this, it being the feeling of himself and the subcommittee which he heads, and many members of the United States Congress, that something like this has to be done in states particularly like Maine that depend so heavily on the property tax.

I might say that the comparison between Maine and Vermont and the comparison that I will make in terms of expenditures in a moment I think is appropriate. Maine and Vermont are unique in the nation and unique in New England in that roughly 70 percent of all housing is owner-occupied. I think that is something that is to be encouraged, I think that is something that is to be furthered, and it is really the intent of this bill to do so.

I would like to say one word, or two words possibly, about the future funding aspects of this bill, because certainly it is not enough simply to point out that we don't have to fund it now. We have to look ahead and make some decisions in that regard. The appropriation that is on this bill, as it is amended, the anticipated appropriation was set quite high, I believe, by the department at the cost of 14 million dollars a year. I would like to say something about that cost.

The first thing I would like to say is that when you are talking about tax relief you are talking about a different sort of cost than you are talking about when you are talking about other governmental programs. If you are talking about funding a new medical school, or if you are talking about funding other types of programs, you are talking about taking money away from the taxpayers of Maine to use to fund some program, to hire people to build buildings and deliver services. But what we are talking about here is not taking tax money away from the people of Maine. What we are talking about, if you accept the estimate of 15 million dollars, is taking 15 million dollars that is now raised with the property tax and raising that with a more progressive income tax. With the minor exception of the cost that it will take to administer the program, the major bulk of the 15, or whatever it is, million dollars will not represent new tax monies that are raised from the people of Maine but will represent a more progressive way of raising those same monies. That is my first point.

Secondly, I would argue that the price that has been put on this bill is high. I don't mind it being high, in one sense, because I certainly don't want to be in the situation of fooling anybody about what the cost might be. But I would like to point out that Vermont, which is very similar in income and very similar in the number of owner-occupied homes, in Vermont this program costs \$10.19 per capita. That would extrapolate in Maine to be about 10 million dollars per year. But it should be recognized that in Vermont this program applies to all citizens, whatever their age, and in Maine we already have a system that costs several millions of dollars that applies to certain elderly citizens, and these people would continue to receive benefits under this other program which is more generous and, therefore, if we could conclude that the costs would be similar to Vermont's, and we subtracted from the \$10 per capita, the 10 million dollars of cost of our present system, we would come to about 7 million dollars a year cost, or 7 million dollars readjustment.

I would like to make one further point maybe in that regard. If we look through our book here on government services that are delivered, we can find a lot of figures

that seem like a lot of money. The Department of Health and Welfare for its department operations spent \$43,404,000 in fiscal year 1974, 43 million dollars. And we are talking about here somewhere between probably 7 and 12 million dollars a year that we would like to spend on lower middle class and middle class people to help them keep their homes and to help relieve the extraordinary burden of the property tax. I think compared to what we spend for other citizens — and I am not arguing against those expenditures for our less fortunate citizens — when we compare this to the expenditures that we make in other regards to certain businesses and industries, where I think it is also appropriate; for example, the spruce bud programs and similar programs, I think that the amount of money we are talking about is put into a proper perspective.

There is one final thing I would like to say about the referendum and why I think it is appropriate for the people to vote on this. I think it is important that people understand, if we were to raise the income tax to pay for a program like this, that there be an educational program first, which could come about through a referendum process, to let people know why the tax is being raised, to let them understand, as I hope the members of this Senate will understand, that what we are talking about is a readjustment of where the tax monies are coming from and not a new program, not taking more monies out of the hands of Maine citizens for tax purposes. So I think a referendum is appropriate.

I would like to make one more statement in regard to why I think a referendum is necessary. I think a referendum is necessary because one of the reasons that we never enact legislation that really improves our taxation system and really makes it more equitable is not because those of us who sit in the legislature don't care about reforming our tax system, but it is because every time we see something like this to reform the tax system that we would have to pick up with a state tax, we have to weigh that against other state programs which would serve people that aren't tax relief systems, they serve programs. And here you have a tax relief program which would serve a mass group of people, and that has to compete for priority with a program which not only serves its recipients but which has institutional friends; the institutional friends being the people who would benefit directly, the people who would be employed, the people who have a role in building the buildings, the people who have a role in selling the paper. These sorts of institutional friends, I am afraid, always make us turn in our spending priorities and our state taxing priorities away from general tax relief programs and into the area of programs that establish new state programs.

I would like to say one final thing about this. This legislature has done many things that I agree with, but one of the things that this legislature has done is to put a greater burden on the property tax per the state. Already 50 percent of our monies are raised by property tax. Just now we indefinitely postponed a bill which would have had the effect of making certain that we didn't take another 3 million dollars a year out of property tax that before had been taken care of by the state, a 100 percent funding bill. When the new budget failed to take into account and we failed to pass the gas tax to take into account for the

monies that go out for the purpose of snow plowing and helping the towns, we lose several more millions of dollars that, if something isn't done, are going to have to go onto the property tax. But one of the things that this legislature has done instead of helping relieve the property tax burden has been just the opposite.

Now, what is offered here is a chance to give the people a chance to do something about that. I think that it is appropriate that if we have had to take these steps backwards in regards to moving away from what is one of our most regressive taxes, it is appropriate, I think, that we give the people a chance to do something to provide relief to the people that these actions put the greatest burden upon. I would hope that the Senate today would give this careful consideration and would continue in the action that they have taken with this up until now, and the action that the House took, and the action that was recommended unanimously by the Taxation Committee, to pass this bill to be enacted and to give the people of Maine a chance to bring about some relief from property tax, some relief not only from the burden that they have had up until now but from the added burden that the actions the Maine Legislature has had to take has put on them.

I think this is an important matter, and I would ask when the votes are taken that they be taken by the "Yeas" and "Nays".

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

Mr. HUBER: Mr. President and Members of the Senate: The estimated future cost supplied to the Appropriations Committee was an estimated annual cost of \$20,200,000 per year on this bill, and we thought that perhaps it was a bit much to commit a future legislature to.

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

Mr. MERRILL: Mr. President and Members of the Senate: I don't doubt the word of Senator Huber, but it is just another example of how our state departments work in strange and mysterious ways to defeat legislation that they don't want to take on. They originally put a price tag of 20 million dollars on this bill. When I pointed out the costs of the elderly program that we already have and that those would have to be subtracted, the department cut the estimate down to 15 million dollars and said that is what they thought it would cost. When I asked them why, with a bill identical to Vermont's, they didn't think that it would cost closer to what Vermont's cost, they had absolutely no explanation whatsoever. Now, having agreed with me that it is 15 million dollars, they relate to the Appropriations Committee that it is 20 million dollars. Well, that is a very effective way probably to go about trying to kill a bill. I suppose some day that the Governor can prevail and maybe we can have at least open lobbying by these departments.

I would just like to say that no matter what the cost is, that whatever the cost of the program will be, it is a cost that represents relief — represents relief — from the property tax burden. And I really think, in response to the Chairman of the Appropriations Committee, Senator Huber, who has done such a good job, I think the extra 5 or 6 million dollars a year that we are throwing onto the property tax through the actions of this legislature is a bit too much.

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

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I want to commend the good Senator from Cumberland, Senator Merrill, for putting together a bill which was designed to put some kind of equity into the whole property tax situation. I also, however, wish to commend the Senator from Cumberland, Senator Huber, and the rest of the Appropriations Committee for the difficult task that they have had during this session in trying to keep the state finances on an even keel.

The question that I feel is addressed by this piece of legislation is really even broader than the good Senator from Cumberland, Senator Merrill, has explained. That is the entire question of a state tax policy and the question was to what percentage of state revenues and local revenues are to be raised by a property tax, and what percentage of revenues are to be raised by the more equitable taxes such as the income tax and other general fund taxes.

This legislature has taken very positive steps toward addressing that question in creating the Tax Policy Commission, which, together with the appointees by the Governor, is to address itself specifically to that very question and to make recommendations not only for the next legislature but for following legislatures to take a look at and to be guided by in deciding how much of the state revenues are to be funded by an income tax, a sales tax, and by the state property taxes.

The bill that we have before us today only goes part of the way, and this matter would be put out to a referendum by the people. I support the idea that there should be less of a burden upon the property tax and more of a burden upon the income tax. This circuit breaker idea is a good idea, and I hope that future legislatures will incorporate this idea when discussing its priorities as to the shifting of the burden from the property taxes of this state to the general fund income tax revenues of this state, but a circuit breaker is not the only question that will have to be considered in those priorities.

We all know that one of the purposes of the educational finance law, L. D. 1994, was to shift some of the burden of the education financing from the property tax to the income tax. I would point out as well that this legislature has been very progressive in bringing about court reform, and this legislature has enacted a measure to have the state take over the operation of our Superior Courts. Our Superior Courts at the present time are supported by a property tax, and eventually they will have to be supported by an income tax because of the state takeover.

All of these measures go to a lessening of the burden on the property taxpayers of this state and, as such, are excellent measures, but they all also represent an increasing burden upon the income tax of this state, and I support that concept. And I hope that future legislatures, as has this one and as has the last one, would move

steadily and consistently in that direction. But I would fault this particular piece of legislation, and fault it very seriously, Mr. President, because it would present to the people at the very least only one-third of the question of the three vital areas and large areas that I have mentioned. It would present to the people only one-third of the priorities that we are going to be faced with in future legislatures.

I would hope indeed that the people of the state would go along with this idea, and I am confident that they would, but it will be up to future legislatures to determine, by considering these priorities and indeed other priorities that will be coming along, and along these same lines as well, to determine those priorities as to how much of the burden on the property tax should be relieved by a circuit breaker type of system and how much should be relieved through our educational financing, through our court financing, and through other matters that I am sure will be coming along.

I do commend the good Senator from Cumberland, and I would like to say that this bill, although I hope that it would not receive passage here tonight, like so many other ideas and so many other specific bills that have been presented in past legislatures, this bill will not die. It will be with us, it will be with future legislatures, and the work that has been done on this particular bill to this point will not be lost. And it will be to the credit of the good Senator from Cumberland, Senator Merrill, when this idea and this concept is indeed incorporated when the priorities are determined in the future. I know that it will be incorporated, as will the other measures to relieve the property tax burden.

Mr. President, I would urge the members to vote for the motion to indefinitely postpone this bill, but in so doing knowing full well that it, along with other priorities and other measures to relieve the property tax burden, will indeed be very much alive and very much a part of future programs.

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

Mr. MERRILL: Mr. President and Members of the Senate: I know the hour is late and I will just take a few more minutes. I am sorry that the Senator from Cumberland, Senator Jackson, who served with me on the Taxation Committee, and the Senator from Kennebec, Senator Katz, aren't here tonight to give me help in this regard because I know they both felt quite strongly about the need for this legislation. I could have used their assistance and their help here.

I would just like to say a couple of things, and I would like to start out by thanking the Senator from Kennebec, Senator Speers, for his remarks. I guess the real question for him, and maybe for the rest of you — I hope not — is when do we undertake this and how do we undertake it. I want to make it clear that even if we pass this bill it won't be undertaken for two years. Certainly, if we don't pass it, it could be undertaken by the 108th when we weigh these priorities. The problem with that, as I have stated already, is that the priorities that have been mentioned, the programs that we are going to be facing in the 108th, all are going to be doing good things for people and they are all going to have their institutionalized friends, the people who would get jobs because of these

programs, the people who would build the size of their bureaucracy because of these programs. Tax relief never has any such friends, and that is the reason that I want to send this to referendum. And one of the reasons I want to do it now is because if it is passed in referendum in the fall, it will give us time in the special session, if it is necessary, to make adjustments in this program and to work with it and to get it ready. It will give us time to really make this program a workable and a good program, which I think we can do, especially since we have such experience working with the elderly program.

I would like to make just one final point maybe in this regard.

There is a question of what percentage of monies we are going to raise with the property tax versus our more progressive tax, but there is a more specific question is raised by this particular bill. That is the question of how much are we going to ask from any one individual, what percentage of his adjusted gross income. This bill raises a very specific question. It says, for example, if a guy earns \$8,000 a year, if he finds himself paying more than 5 percent of his income, his adjusted gross income, for property tax, then he gets 60 percent of that excess back in relief. Here is an individual earning \$8,000, which is a fairly low amount for a person working 40 hours a week, and he is asking for 60 percent of the excess of 5 percent back. The same individual we are probably taxing at a rate of 1 or 2 percent by the means of our income tax. And if we sat in these halls and tried to pass an income tax that would tax that individual at 5 or 6 or 7 or 8 or 9 percent, which he is very likely paying today, we would receive hate mail and letters from all over this state telling us that what we are doing is wrong. This really raises that very narrow question, and it would put that very narrow question before Maine people.

I thank the Senate for allowing me to take the time in this regard. It is a bill that I have worked very hard on, and I think it is a bill that could provide really a small amount of relief, compared to the great masses of money that are being raised by the property tax, but relief that is aimed right at the people that need it. One of the most common things you hear when you campaign, and I heard it a lot when I campaigned and it is really what got me thinking about this whole program, is that the governments do a lot for the people who are at the bottom and they do a lot for the people who are at the top, but what do they do for the people who are in the middle. I think what we saw last November was a taxpayers' revolt, not only at the amount of money they paid, but the fact that they were paying what they thought was an unfair burden when they saw a lot of people paying a much, much smaller percentage of their income. The biggest offender in this state is the property tax. The income tax is fairly progressive. The sales tax, when we have an exclusion for food, as we do, is quite progressive. Property tax at its extremes, particularly with regard to these people down in the \$8,000 and \$7,000 a year bracket, is very regressive. And this would give the Maine people a chance to say to the 108th "Do something about it", and I hope that the 107th will give them that chance.

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

Mr. TROTZKY: Mr. President and

Members of the Senate: I have been reading through the bill and I believe it is a good concept. However, I think, if we undertake to pass a bill out such as this to the people in referendum, we also have the responsibility to pass out another bill, a companion bill, to fund this 20 million dollar item, and that would be a bill for an income tax increase.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that L. D. 1671, An Act to Provide State Relief to Householders Whose Property Taxes are an Extreme Burden Due to Such Householders' Insufficient Yearly Income, 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 Berry, R.; Carbonneau, Collins, Corson, Curtis, Gahagan, Graffam, Greeley, Huber, McNally, Roberts, Speers, Thomas, Trotzky.

NAYS: Senators Berry, E.; Cianchette, Clifford, Conley, Cummings, Graham, Johnston, Merrill, O'Leary, Pray, Reeves.

ABSENT: Senators Cyr, Danton, Hichens, Jackson, Katz, Marcotte, Wyman.

A roll call was had. 14 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with seven Senators being absent, the motion prevailed.

Sent down for concurrence.

(See action later in today's session.)

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

Resolve, to Appropriate Funds for the Purchase of Copies of Town Histories and to the Western Somerset Historical Society for Establishing Village Library Installations. (H. P. 1336) (L. D. 1646)

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

Mr. HUBER: Mr. President, I move that L. D. 1646 and all accompanying papers be indefinitely postponed and would like to speak briefly to my motion.

The funds for the histories mentioned in the title of this bill are provided in L. D. 1945 which just passed through this body. The funds for libraries provided in the bill were not deemed appropriate by the Appropriations Committee, as we already killed bills dealing with libraries and also feel that numerous towns are making this kind of effort on their own in this bicentennial year.

The PRESIDENT: Is it now the pleasure of the Senate that L. D. 1646 and all its accompanying papers be indefinitely postponed?

The motion prevailed.

Sent down for concurrence.

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

An Act to Change Provisions of the Law Relating to the Board of Environmental Protection. (H. P. 931) (L. D. 1175)

An Act to Insure Citizen Participation in the Promulgation, Amendment and Repeal of Agency Rules. (H. P. 1379) (L. D. 1775)

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

Mr. Huber of Cumberland then moved the pending question.

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

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

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

Mr. Huber of Cumberland then moved the pending question.

Thereupon, this being an emergency measure and having received the affirmative votes of 23 members of the Senate, with one Senator voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

House Report — from the Committee on Taxation — Bill, "An Act to Levy Surcharge on Alcoholic Beverages Sold at Other than State Stores." (H. P. 1429) (L. D. 1690) Leave to Withdraw.

Tabled — June 26, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently, Acceptance of Report was Reconsidered.)

Thereupon, the Leave to Withdraw Report of the Committee was Accepted in concurrence.

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

House Report — from the Committee on Taxation — Bill, "An Act Concerning Taxes on Alcoholic Beverages." (H. P. 1001) (L. D. 1272) Leave to Withdraw.

Tabled — June 26, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently, Acceptance of Report was Reconsidered.)

Thereupon, the Leave to Withdraw Report of the Committee was Accepted in concurrence.

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

House Report — from the Committee on Taxation — Bill, "An Act to Impose a Tax on Tobacco Products Other than Cigarettes." (H. P. 1394) (L. D. 1799) Leave to Withdraw.

Tabled — June 26, 1975 by Senator Conley of Cumberland.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently, Acceptance of Report was Reconsidered.)

Thereupon, the Leave to Withdraw Report of the Committee was Accepted in concurrence.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special

Highway Appropriations Table the following:

An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspension. (H. P. 333) (L. D. 405)

An Act Relating to Registration of Certain Vehicles under the Motor Vehicle Laws. (H. P. 813) (L. D. 984)

An Act to Establish the Construction of Bikeways as a Responsibility of the Department of Transportation and to Provide Funding Therefor. (H. P. 1626) (L. D. 1900)

Mr. Greeley of Waldo then moved the pending question.

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

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

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

An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park. (H. P. 978) (L. D. 1225)

An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Kennebec River. (H. P. 1179) (L. D. 1471)

An Act Relating to Additional Roads on Indian Reservation at Indian Islands. (S. P. 499) (L. D. 1851)

Mr. Greeley of Waldo then moved the pending question.

Thereupon, these being emergency measures and having received the affirmative votes of 23 members of the Senate, with one Senator voting in the negative, the Bills were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Resolve, to Reimburse Richard Lufkin of Thorndike for Property Damage Caused by Water Runoff from State Highway. (H. P. 804) (L. D. 980)

Resolve, to Reimburse Eugene W. Downer of Magalloway Plantation for Automobile Damage Due to Highway Construction. (H. P. 1028) (L. D. 1317)

Mr. Greeley of Waldo then moved the ending question.

Thereupon, the Resolves were Finally Passed and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Reconsidered Matter

Mr. O'Leary moved that the Senate reconsider its former action whereby it Passed to be Enacted:

An Act to Change Provisions of the Law Relating to the Board of Environmental Protection. (H. P. 931) (L. D. 1175)

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

Mr. CURTIS: Mr. President and Members of the Senate: I ask for a division on this matter, and would like to explain that this is the bill which had thoughtful consideration from the State Government



Committee and it came forth with a unanimous report. I think it is a good provision. It basically does two things: one, it eliminates the categories for membership on the board, and would thereby mean that people who are appointed would represent the general public and the general welfare rather than feel that they must by necessity represent a specific interest as they are listed in the items that are included, such as manufacturing interests or the other interests that are listed there. The second thing it would do would be to provide an increase in the amount of money that is paid for the day's work done by the members of the Board of Environmental Protection from \$25 a day to \$40 a day.

I would suggest to you that people who spent long, long days working at the work of the Department of the Environmental Protection and sitting on the board certainly earn more than \$25 a day. Although that is a small increase, I think it is a worthy one and a way in which the Maine Legislature can recognize the action of the board and the hard effort of the members of the board on such matters as the Pittston Refinery.

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

Mr. HUBER: Mr. President and Members of the Senate: Lest this bill be confused, in the printout of the Appropriations Table this was entitled "An Act to Create a Full-time Board of Environmental Protection". The bill is substantially changed so that it does not create a full-time Board of Environmental Protection. This was a former title which has been changed by the State Government Committee.

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

Mr. O'LEARY: Mr. President, I would assure the good Senator I am not confused on that part. However, Mr. President and Members of the Senate, there were two bills pretty nearly identical, one sponsored by Mr. Peterson, who is Chairman of our Committee on Natural Resources. His bill went to the Committee on State Government. There was another bill sponsored by another member of the other body, and that bill was heard before our Committee on Natural Resources.

Now, the Committee on Natural Resources was very much opposed to this concept and, if you will remember right, we let a number of other bills go down the drain that called for putting on two members from labor, a fisherman, farmer, and all such as this. We fit that the board as constituted under the public laws was a good one, that it had an even balance. We were concerned that if we didn't keep that balance that it may go all one way or all the other way.

After we passed our constitutional amendment last night, we know that the Committee on Natural Resources will sit in on who is going to be the Commissioner of the Department of Environmental Protection, but the minor appointments made by the Governor is what is going to be dealt with in this bill and are not the concern of the Committee on Natural Resources.

I think with this piece of legislation that we are treading in awful dangerous waters. We are liable to upset the economic balance too far to one side. The pendulum has swung all the way up one way and it hasn't even begun to swing down the other way. We have done nothing to destroy that. But I would submit to you

here this evening that this is perhaps the most dangerous piece of legislation that we have had before us this session, and I hope you will vote with me to reconsider and then move for indefinite postponement.

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

Mr. TROTZKY: Mr. President and Members of the Senate: I disagree with what the good Senator from Oxford has stated here. Our committee, the Committee on Natural Resources, was opposed to the concept of a full-time board; in other words, members with full-time jobs at \$20,000, \$30,000 a year, and so on. But our committee I don't believe was really happy with the current law as it is right now. As an example, we had a bill to put two labor people on the board as representatives, and the majority of the committee voted to put two labor members on the board. We had a bill to put a fisherman on the board, put a farmer on the board, and the majority of the committee voted to put these people on the board. All of these bills were killed.

If you look at the membership on the board right now, they talk about two members from municipalities, two members from the public generally, and they mention later on two members who are experienced in air pollution, but you don't have here two members experienced in water pollution, and so on. If industry is on here, why shouldn't labor be on here? Well, I think it would give the Governor of the state, and of course the Executive Council, more freedom in choosing people, and basically people who have common sense, if we didn't have these categories. So I hope that we would not vote to reconsider this bill here.

Again, the board does have some balance now and will have balance in the future also, even if you eliminate these categories.

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

Mr. MERRILL: Mr. President, I am going to support the motion by the good Senator from Oxford, Senator O'Leary. I think that we have built into the system now some assurance of balance, and I think that experience with boards without this type of specification on the national level and on the home level here is not a good one. I think the balance that is built into the board now, now that they have had some time behind them and some record, I think is beginning to prove fruitful. Some adjustments are going to be made in that so that we have an expert on water pollution and only one expert on air pollution, those types of things can be done, but I think the status of the present system is a good one. And I think that the legislature making it clear what type of experience they want on there, instead of leaving it completely up to the chief executive, is in keeping with the legislature having some responsibility in these matters, which I think is desirable. I would hope that we could maintain the board in this present way where we set some guidelines and, therefore, I wholeheartedly support the motion of the Senator from Oxford, Senator O'Leary.

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

Mr. TROTZKY: Mr. President and Members of the Senate: L. D. 1175 states what experience we want the people to have on the board. It says, "Members of

the board shall be chosen to represent the broadest possible interest and experience which can be brought to bear" in the implementation of this title. I believe the most experience is a lot of common sense.

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

Mr. GRAHAM: Mr. President and Members of the Senate: For possibly for the first time in this session, I must disagree with the Senator from Cumberland, Senator Merrill. I think the board as presently constituted is an excellent board, and we on the State Government Committee met with them one afternoon and had a long, long session with them discussing environmental problems and the composition of the board. I derived a very favorable impression of the board, I think it constitutes a broad spectrum of interests, and I had the feeling that the board is really dedicated to the work, that they are a truly dedicated board and have performed a great service for the State of Maine. I would hate to see this thing upset by reconsideration.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, just a parliamentary inquiry: if the motion to reconsider passes, then wouldn't that put us in a posture whereby we could leave things as they are and not pass this bill?

The PRESIDENT: The Chair would answer that then the bill would be in a position to be indefinitely postponed.

Mr. MERRILL: So that the present law would remain?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. MERRILL: Mr. President, I would just like to say one more thing. I don't think this is the time for the legislature to be taking less responsibility in setting these standards. I think it is a time for us to meet our responsibility and to say the kind of balance we want. Maybe everybody here is satisfied that the present Governor will have a balanced board, but the next Governor may be someone who is an extreme environmentalist and he will put on there members of the Maine Audubon Society and there will be no balance. Or maybe he will be someone who owns an oil company and he will put on there a bunch of guys who used to live in Texas that think seeing about ten oil derricks out in Casco Bay would be about the most beautiful sight that the eye could behold. I don't think we want to give that type of broad discretion to the Governor.

I think what we want to do is to set the standards here, and if that means we have to look at those standards and adjust them from time to time, I think that is desirable; not throw up our hands when somebody comes and asks to make some minor adjustments and say, "Oh my gosh, people want to make adjustments, so let's just give it all to the Governor." I hope that we would reconsider so that we could maintain the status quo.

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

Mr. CURTIS: Mr. President, I would like to mention several things. In the meeting of the State Government Committee with the members of the Board of Environmental Protection, we were impressed by their attitude toward their job and by the efforts that they make on behalf of the state.

We were also impressed by the attitude



of the members of the board towards the necessity in the future or desirability in the future of eliminating those categories by which they each had been appointed, because it put them individually under certain constraints to feel that they were representing a particular area of interest rather than the general welfare of the people of the state.

In response to a remark made earlier, I would like to say that we expect our Governor to do a good job. We elect him and we expect him to be responsible to the people that elect him. Now, rather than losing control by the legislature, this legislature is gaining more control over who will be the nominees to these positions because, provided that the people approve the action we took last night, it will be necessary for the Governor's nominees to any position on the Board of Environmental Protection or other similar boards to meet with the approval of the action that we have provided both of the standing committee and of this Senate. So I would suggest that we are providing plenty of checks and controls by the legislature.

Finally, I would like to say I guess one reason that I feel so strongly about this legislation, in addition to what I said before of a little recognition for the effort by increasing the amount of money the people are paid for their daily work, is that we are under the request from a whole variety of organizations to provide additional categories. There were bills in this session to provide members of labor; a farmer and a fisherman, and I suppose that anybody who feels that they have an interest in the environment, whether it be a painter, a poet, or some other category, will be coming forward in the future to have a new category added to that list of the board members. So I would suggest that now is the right time to provide for the situation in which the people appointed to this board can represent the public at large.

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

Mr. O'LEARY: Mr. President and Members of the Senate: It was nice to hear the statements of the Senator from Cumberland, Senator Graham, and also the comments of the good Senator from Penobscot, Senator Curtis, that they were impressed with the members of the board, and I am too. They are good and they do a good job, and I am not going to quarrel with that. But we must remember that at the present time of the ten members of the board two of them represent manufacturing interests; two shall be representatives of municipalities, and they are now; two shall represent the public generally, and we have them; two shall represent the conservation interests, and we have them; and two other members knowledgeable in matters relating to air pollution, and we know we have them. We know under the present law what we have got and we do have some control.

I will submit to you that if you will look in the back of your Senate Amendment Book, the very last amendment in here is Filing S-388, and this amendment that was going to be offered, but hadn't been and will not be, reduces the \$40 a day down to \$25 a day, so that wasn't a concern of mine. But the concern was that I babysat a certain bill, L. D. 383, An Act Relating to Educational Benefits for Dependents of Veterans and Prisoners of War and Those Missing in Action, for this same Senator from

Penobscot, and I spoke before a caucus of my party to try to assist in getting this bill passed out, as I understand it, it is a tradeoff now. I would ask you if it is a very good trade: I don't like it. But honestly, I like the law and the board the way it is now, and I think we would be a lot better off leaving it alone.

I don't mind the fact that these men would perhaps get \$40 a day. I believe they are worth it. I don't object to that, and I would like to see them get it. But I do object to the elimination of the categories. Our Committee on Natural Resources signed out these three measures, as the good Senator from Penobscot, Senator Trotzky, told you, with a majority ought to pass report, but they were not debated once in this Senate; we killed each and every one of them. We didn't believe they had the merit, but then we perhaps should not, acting in a good responsible fashion, even have signed as such, but the pressure was there so they were. But we did not debate them on this Senate floor; we let them die. And I think in fairness to the people of the State of Maine and the Board of Environmental Protection, we should in all good judgment reconsider this bill and then indefinitely postpone it.

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

Mr. TROTZKY: Mr. President and Members of the Senate: The way the law is right now, there is no spot for labor representatives on the Board of Environmental Protection. I also would like to state that of the two members who shall represent the public, who are those members? They could be two members of the Audubon Society. And then you have two members of conservation interests, and they could be two members of The Friends of the St. John. And then you have two members who are qualified in air pollution. So right now, the way the board is structured, if there is a fear that it will become imbalanced and too environmentally orientated, and soon, and not take into consideration economic interests, the way the board is structured right now, that can take place. The real concern here is to get qualified people to make judgments on projects which are coming into the State of Maine

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

Mr. GRAHAM: Mr. President and Members of the Senate: I am a little amazed at this discussion over what I think is a rather unimportant matter. It seems to me that the board as presently constituted is fine, but this would make it a little broader, it would take out those categories that could result in bickering on the board and so forth. It seems to me the thing that we have really done with this bill is just to up their per diem a little, which they certainly deserve as a very dedicated group.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that the Senate reconsider its action whereby L. D. 1175 was passed to be enacted.

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

A division was had. 16 having voted in the affirmative, and 10 having voted in the negative, the motion prevailed.

The PRESIDENT: The Chair recognizes

the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I don't know whether we would have time to work out language under the present law to give these people a pay raise so, therefore, I would move the indefinite postponement of this bill and all accompanying papers.

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

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I have been doing quite a lot of thinking over here in listening to this debate, and I think we have got a real problem. I find myself voting with Senator O'Leary, for the first time, and against my true fellow conservationists in front of me here.

I think the reason we see the present board at the moment having quite a favorable impression on the State Government Committee is probably the personalities on the board. We don't have to go back very far before we find a previous board made up that there were tremendously warring factions on it, each faction assiduously defending the interests which it was representing, and I think this is the problem right here. The present law says that two people shall represent a certain group, and I think this brings into the deliberations of the board an adversary attitude immediately, and I think this is the problem with the word.

I think I am going to vote to kill the bill because I think that the present board will continue in existence until the next special session, and I think a lot of attention should be given to the word "represent". I think they may be drawn from a certain segment of our citizens, but when they get on the board they should be citizens of the state, and not in there representing various disharmonious units and voting against the general welfare. I feel that this is a very significant piece. I think that we are going to make no mistake by leaving the legislation the way it is. I think we have a potential for disaster here in having no qualifications spelled out to the full board.

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

Mr. CONLEY: Mr. President, I am certainly not opposed to the additional per diem, as the good Senator from Oxford, Senator O'Leary, has said, but I am a little bit stunned on this particular legislation, particularly after the recommendations, originally from the Appropriations Committee, and then, secondly, late today leadership reassessed its position on this particular bill and decided to pass it. When things like this happen at the last moment — we were told it was a very innocent little piece of legislation, but after listening to the good Senators, Senator Berry from Cumberland, and also my colleague, the good Senator from Portland, Senator Merrill, whom I would say are fine environmentalists by their voting records, in the case of Senator Berry in past sessions, and in the case of Senator Merrill

in this session, as they indicated the way they feel, I do think that it certainly could imbalance the structure of this board.

As we are going to be here tomorrow morning, there certainly is plenty of time this evening to draft an amendment on this item, and perhaps the best thing to do is to put it on the table and get an amendment ready.

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

Mr. BERRY: Mr. President, responding to my good friend, Senator Conley, I would agree with everything he says, but I think that we have got six months to the regular session and I don't think that the per diem is going to make or break anybody on the board. That is all that is left in the bill, frankly, the per diem, if we are doing what I really feel we should do. I see no harm done by going through with this roll call and, hopefully, defeating the bill.

The PRESIDENT: A roll call has been ordered. The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that L. D. 1175 and all accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLLCALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Conley, Corson, Graffam, Greeley, Johnston, McNally, Merrill, O'Leary, Pray, Roberts, Wyman.

NAYS: Senators Collins, Cummings, Curtis, Gahagan, Graham, Huber, Reeves, Speers, Thomas, Trozky.

ABSENT: Senators Cyr, Danton, Hichens, Jackson, Katz, Marcotte.

A roll call was had. 16 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with six Senators being absent, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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

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

Mr. CURTIS: Mr. President, I have two amendments to offer to this bill which has to do with the disposition of the Women's Correctional Center at Skowhegan. One amendment deletes the money on the bill, and the second amendment deletes any reference to proposed language for a Maine veterans home. I am disappointed that I find that I have to offer these amendments because I think this bill, as it now stands without the amendments, represents the State Government Committee's thinking and that the idea of a veterans home established at Skowhegan is a good one. However, there are other parts of this legislation which are necessary, and I think it is necessary to offer the amendments.

So, under suspension of the rules, Mr. President, I move reconsideration of the action by which this bill was passed to be engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that, under suspension of the rules, the Senate reconsider its action whereby L. D. 1745

was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

On further motion by Mr. Curtis of Penobscot, and under suspension of the rules, 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-389, to Committee Amendment "A" was Read and Adopted.

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

Senate Amendment "B", Filing No. S-391, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" and "B" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

#### Reconsidered Matter

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

Mr. SPEERS: Mr. President, having voted on the majority, I move the Senate reconsider its action whereby it indefinitely postponed (S. P. 481) (L. D. 1671) An Act to Provide State Relief to Household Holders for Extraordinary Property Tax Burdens, and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby L. D. 1671 was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No".

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

#### Papers from the House

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

#### Non-concurrent Matter

Joint Order (S. P. 508) Relative to amending Joint Rules by adding a New Rule 7F.

In the Senate June 27, 1975, Read and Passed.

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

On motion by Mr. Speers of Kennebec, the Senate voted to Recede and Concur.

#### Communications

##### STATE OF MAINE

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

June 27, 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 Failed to Enact Bill "An Act Increasing Motor Vehicle Registration Fees" (H. P. 1692) (L. D. 1930)

Respectfully,

Signed:

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Non-concurrent 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)

In the Senate June 24, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-364).

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

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

Mr. GREELEY: Mr. President and Members of the Senate: I would like to make a couple of comments pertaining to this allocation bill. One is on snow removal of the town ways. During the session we had Legislative Document 917 which, if enacted, would relieve the state of the obligation of reimbursement to towns on the snow removal on town ways. That bill was indefinitely postponed.

At the present time we have \$850,000 each year of the biennium. It is not funded. But next fall the towns and cities will plow and sand the roads during the winter of 1975-1976. If this bill was funded, they wouldn't receive their refund until next July 1976. So it is the intention of the department and the committee to try to come up with something to fund this at the next special session.

The other item is the \$600,000 that there has been some comment on pertaining to insurance. This \$600,000 is not funded either, but it is the intent of the Commissioner of Transportation to use some funds that lapsed in the unappropriated surplus and to ask for permission from the Governor and Council to pay off this obligation.

I now move that we recede and concur with the House.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

#### Enactors

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

#### Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature with Limits on the Matters which may be Considered in the Second Regular Session of Each Biennium and to change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

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

Mr. CLIFFORD: Mr. President, I am requesting a division on this resolution and I would hope we could vote against this annual sessions bill. The reason is because I don't think that this bill puts sufficient restrictions on the legislature.

This Senate, by a fairly strong vote, earlier in this session passed an amendment to limit the legislature by days and by subject matter, by days in both sessions, both the regular annual sessions, and by subject matter on the second regular session. It further limited the special sessions by days. That was not accepted in the other body, and I am not standing here arguing for that, but I do think that the annual sessions bill in its present form does not contain the kind of restrictions which I think the public expects and deserves on the second regular session of the legislature.

In essence, what this is doing is putting

in cement a second regular session and putting the restrictions on only as those presently exist under our rules. It seems to me the public deserves more protection from the legislature.

The conference committee came up with an idea which I think had a lot of merit, which has now been taken off, and that is that a lot of people don't like the idea of putting a number of days, a limit, into the constitution, but that conference committee report recommended that the legislature be required to set a limit by statute, which is much more flexible. That has been taken off, and I think now, under the wording of the limits on the second regular session, that any bill that the Governor wanted to get in, or which the leadership wanted to allow in, would be allowed in, and I think we would very quickly go into four and five-months second regular sessions. I think this would do great harm to our desire to maintain the legislature as a citizens legislature, which I think is the really overriding and important issue here.

I am in favor of annual sessions, most of us are. It is a question of what kind of annual sessions we want and what limits we want to put on them. I think the public wants these limits, and I don't think the constitutional amendment in its present form puts those limits on, to the satisfaction of the public, to guarantee that the members of the legislature in the future will be citizen legislatures. So I would hope that we could vote against the enactment of this constitutional resolution. Thank you, Mr. President.

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

Mr. CONLEY: Mr. President, earlier today I voted to support this document when it went back down to the other body. It was my understanding at that time that the limitations that the good Senator from Androscoggin, Senator Clifford, speaks of that were in the committee of conference report would be incorporated within an amendment to protect and be able to limit the number of legislative days, appropriation matters, etc., that have been spoken of.

The proposed amendment before us today does absolutely nothing that we cannot already do by constitutional amendment, because we know that a majority of both political parties within the legislature can call itself in at any time, the Governor can call us in, and I think that the proposed amendment before us today would do nothing but insure, absolutely insure, a second legislative session, and it would be wide open.

If this amendment is to pass, then I firmly believe that we must amend it to a point where there is a number of legislative days and specifically spelling out constitutionally as to what type of items we are going to allow into the legislative session. That is not in this particular bill and, therefore, I cannot support it.

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

Mrs. CUMMINGS: Mr. President, I request leave to pair my vote with Senator Cyr of Aroostook. If he were here, he would vote against the measure, and I would like to vote for it.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now requests leave of the Senate to pair her vote with the Senator from Aroostook, Senator Cyr, how, if he were here, would

be voting against the constitutional amendment, and the Senator from Penobscot, Senator Cummings, would be voting for it. Is it the pleasure of the Senate to grant this leave?

The motion prevailed.

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, I request permission of the Senate to pair my vote with that of the Senator from York, Senator Danton. If he were here, he would be voting against this constitutional amendment, and I shall be voting for the amendment.

The PRESIDENT: The Senator from Somerset, Senator Corson, now requests leave of the Senate to pair his vote with the Senator from York, Senator Danton, who if he were here, would be voting "No", and the Senator from Somerset, Senator Corson, would be voting "Yes." Is it the pleasure of the Senate to grant this leave?

The Chair recognizes the Senator from Cumberland, Senator Conley?

Mr. CONLEY: Mr. President, a point of order: is it permissible to pair on a constitutional amendment?

The PRESIDENT: The Chair is advised in the affirmative. Is it the pleasure of the Senate to grant leave on the pairing by the Senator from York, Senator Danton, and the Senator from Somerset, Senator Corson?

It is a vote.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I would request leave to pair my vote with the Senator from York, Senator Hichens, who would be voting for the amendment, and I would be voting against.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now requests leave of the Senate to pair his vote with the Senator from York, Senator Hichens, who, if he were here, would be voting "Yes" and the Senator from Somerset, Senator Cianchette, would be voting "No". Is it the pleasure of the Senate to grant this leave?

It is a vote.

Is the Senate ready for the question? Will all those Senators in favor of the final passage of this resolution please rise in their places until counted.

Thereupon, this being a Constitutional Amendment and having received the affirmative votes of nine members of the Senate, with 14 Senators voting in the negative, the Resolution Failed of Final Passage in non-concurrence.

Sent down for concurrence.

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

June 27, 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 Failed to Enact Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1055) (L. D. 1332).

Respectfully,

Signed:

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

### Enactors

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

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

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

**Communications**  
STATE OF MAINE  
Senate Chamber  
President's Office  
Augusta, Maine 04330

June 27, 1975.

May M. Ross  
Assistant Secretary of the Senate  
State House  
Augusta, Maine 04330  
Dear Mrs. Ross:

I am pleased to authorize and direct you to serve on a full-time basis when the Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated, for the 107th Maine Legislature.

Sincerely,

Signed:

JOSEPH SEWALL  
President of the Senate

Which was Read.

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

Mr. CIANCHETTE: Mr. President, under suspension of the rules, I move the Senate show its approval of this communication by a round of applause.

Thereupon, the Communication was Ordered Placed on File, amid the applause of the Senate, the members rising.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 9:30 tomorrow morning.