

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, February 26, 1976

Senate called to order by the President.
Prayer by Dr. Richard Cleaves of Winthrop:

May we pray, Eternal God, who watches over us all, we thank Thee for the great heritage that you have passed on to us, and we think on a day such as this of all of the wisdom and the dedication that has gone before. So keep us faithful to that heritage and grant us a wisdom to carry on in the century and centuries that lie ahead for our state and our nation. Amen.

Reading of the Journal of yesterday.

Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Speers of Kennebec, ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at 10 o'clock in the morning for the purpose of forming a Bicentennial Convention.

Which was Read and Passed.

The President appointed the Senator from Kennebec, Senator Speers, to convey the message.

Subsequently, Mr. Speers reported that he had delivered the message with which he was charged.

At this point, a message was received from the House, through Representative Rolde of York, informing the Senate that the House concurred in the proposal that a Joint Convention be held.

**Papers from the House
Joint Resolutions
STATE OF MAINE**

In the Year Of Our Lord One Thousand Nine Hundred and Seventy-six.

IN MEMORIAM

Having Learned of the Death of the Honorable Harry M. Swift of Locke Mills, Maine

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2081)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

STATE OF MAINE

In the Year Of Our Lord One Thousand Nine Hundred and Seventy-six.

IN MEMORIAM

Having Learned of the Death of Francis Kilroy of Portland

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

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

Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2082)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

State of Maine

In the Year Of Our Lord One Thousand Nine Hundred and Seventy-six.

In Memoriam

Having Learned Of The Death Of Leo Lemay Of Lewiston

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2083)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

State of Maine

In the Year Of Our Lord One Thousand Nine Hundred and Seventy-six.

In Memoriam

Having Learned Of The Death of Edwin Collamore Of Bremen Outstanding, Community Citizen

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

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2096)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrences.

State of Maine

In the Year Of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Wolverines of Schenck High School of East Millinocket Eastern Maine Class-B Basketball Champions for 1976

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the

Legislature and the people of the State of Maine. (H. P. 2085)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

State of Maine

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Freeport High School Western Maine Class C Girls' Basketball Champions For The Year 1976

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2086)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

In the Year Of Our Lord One Thousand Nine Hundred and Seventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mt. Blue Cougarettes Western Maine Class A Girls Basketball Champions for 1976

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 2095)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

STATE OF MAINE

In the Year Of Our Lord One Thousand Nine Hundred and Seventy-six.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Freeport Community Services, Inc. Which Under the Leadership of President Suzie Harding and Staff Volunteers Has Made A Truly Positive Contribution to the Citizens of Freeport

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the

Legislature and the people of the State of Maine. (H. P. 2097)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Business Legislation

Bill, "An Act Exempting Public Accountants and Certified Public Accountants from the Insurance Consultant Law and Deleting the 3-Year Limitation on Applications for Permits to Practice Accountancy." (H. P. 2084) (L. D. 2262)

Comes from the House referred to the Committee on Business Legislation and Ordered Printed.

Which was referred to the Committee on Business Legislation and Ordered Printed in concurrence.

Study Report — Performance Audit

The Committee on Performance Audit to which was referred the study relative to Annual Adjustments in the Standard of Need for families receiving Aid to Dependent Children, pursuant to H. P. 529 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Require an Annual Adjustment in the Standard of Need for Families Receiving Aid to Dependent Children" (H. P. 2093) (L. D. 2252) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Comes from the House, the Report Read and Bill Returned to the Committee on Performance Audit due to Administrative Error.

Which report was Read and the Bill referred to the Committee on Performance Audit in concurrence.

Study Report — Business Legislation

The Committee on Business Legislation to which was referred the study relative to Require Home Health Care Coverage to be Offered in all Health Care Policies and Contracts, pursuant to H. P. 1673 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Require Home Health Care Coverage to be Offered in all Health Care Policies and Contracts" (H. P. 2088) (L. D. 2247) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Business Legislation.

Which report was Read and Accepted and the Bill referred to the Committee on Business Legislation, in concurrence.

Study Report — Natural Resources

The Committee on Natural Resources to which was referred the study relative to solid waste management, pursuant to H. P. 1669 of the 107th Legislature, have had the same under consideration and ask leave to submit its Report "A" findings and to report that the accompanying Bill, "An Act to Improve Solid Waste Management in this State" (H. P. 2089) (L. D. 2248) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

The Committee on Natural Resources to which was referred the study relative to solid waste management, pursuant to H. P. 1669 of the 107th Legislature, have had

the same under consideration and ask leave to submit its Report "B" findings and to report that the accompanying Bill, "An Act to Improve Solid Waste Management" (H. P. 2090) (L. D. 2249) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

The Committee on Natural Resources to which was referred the study relative to solid waste management, pursuant to H. P. 1669 of the 107th Legislature, have had the same under consideration and ask leave to submit its Report "C" findings and to report that the accompanying Bill, "An Act to Provide Funding for Action on Solid Waste and Litter" (H. P. 2091) (L. D. 2250) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Come from the House, the reports Read and Accepted and the Bills referred to the Committee on Natural Resources.

Which reports were Read.

Mr. Wyman of Washington moved that the report be tabled until later in today's session, pending Reference to Committee.

On motion by Mr. Speers of Kennebec, a division was had. 19 having voted in the affirmative, and nine having voted in the negative, the motion prevailed.

Study Report — Joint Select Committee on County Government

The Joint Select Committee on County Government to which was referred the study relative to Proper Role and Authority of County Government in this State, pursuant to H. P. 1670 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Change County Budgets to an Annual Basis" (H. P. 2094) (L. D. 2253) be referred to the Committee on Local and County Government for public hearing and printed pursuant to Joint Rule 3.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Local and County Government.

Which report was Read and Accepted and the Bill referred to the Committee on Local and County Government, in concurrence.

Study Report — Joint Select Committee on County Government

The Joint Select Committee on County Government to which was referred the study relative to Proper Role and Authority of County Government in this State, pursuant to H. P. 1670 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and report that the accompanying Bill, "An Act to Enable Counties to Hire County Administrators" (H. P. 2092) (L. D. 2251) be referred to the Committee on Local and County Government for public hearing and printed pursuant to Joint Rule 3.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Local and County Government.

Which report was Read and Accepted and the Bill referred to the Committee on Local and County Government, in concurrence.

The PRESIDENT: The Senate will be at ease and form a group in the rear of the chamber to march down to the House for the purpose of having a Joint Convention.

The Senators when retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For Proceedings of Joint Convention, see House Report.)

After Joint Convention

Called to order by the President.

Papers From the House

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

Papers from the House

House Paper

Bill, "An Act to Make Necessary Revisions in the Income Tax Law for School Funding Purposes." (H. P. 2112) (L. D. 2264)

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

Which was Read.

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

The Chair recognizes the Senator from Aroostook, Senator Gahagan.

On motion by Mr. Gahagan, a division was had. 28 having voted in the affirmative, and one having voted in the negative, the Bill was Passed to be Engrossed in concurrence.

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

Senate Papers

Study Report — Joint

Select Committee on Jobs

Mr. Reeves for the Joint Select Committee on Jobs to which was referred the study relative to unemployment pursuant to S. P. 391 and S. P. 555 of the 107th Legislature, have had the same under consideration and a Majority ask leave to submit its findings and to report that the accompanying Bill, "An Act to Establish a Maine Community Jobs Act" (S. P. 723) (L. D. 2260) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Which report was Read.

On motion by Mr. Speers of Kennebec, referred to the Committee on Labor.

Sent down for concurrence.

Study Report — Agriculture

Mr. Hichens for the Committee on Agriculture to which was referred the study relative to Maine's potato licensing and bonding laws and the effect on the Maine potato industry, pursuant to S. P. 530 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Establish an Agriculture Lien Law" (S. P. 726) (L. D. 2261) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Which report was Read and Accepted and the Bill referred to the Committee on Agriculture.

Sent down for concurrence.

Study Report — Joint

Select Committee on Jobs

Mr. Reeves for the Joint Select Committee on Jobs to which was referred the study relative to unemployment pursuant to S. P. 391 and S. P. 555 of the 107th Legislature, have had the same under consideration and a Majority of the Committee asks leave to submit its findings and to report that the accompanying Joint Order (S. P. 724),

amending the Joint Rules by adding a new Joint Rule 12B, receive Passage.

ORDERED, the House concurring, that the Joint Rules be amended by adding after Joint Rule 12A a new Joint Rule to read as follows:

12B. Employment Impact Statement. Every bill or resolve directly affecting employment within this state in the next biennium, either increasing or decreasing employment positions in the public or private sector, shall be accompanied by a written statement as to the net gain or loss of employment positions, the nature of the employment positions and the reasons for the net gain or loss. (S. P. 724)

Which was Read.

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

Orders

On motion by Mr. Curtis of Penobscot,
STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Red Riots of Orono High School Eastern Maine Girls Indoor Track Champions

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

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 725)

Which was Read and Passed.
Sent down for concurrence.

**Committee Reports
House**

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Revise the Method of Evaluating Bids Submitted by Maine Bidders." (H. P. 1972) (L. D. 2161)

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls." (H. P. 1911) (L. D. 2098)

Reported that the same Ought Not to Pass.

Signed:
Senators:

CUMMINGS of Penobscot
GREELEY of Waldo
CYR of Aroostook

Representatives:

BERRY of Buxton
LEONARD of Woolwich
TARR of Bridgton
LUNT of Presque Isle
LITTLEFIELD of Hermon

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

Signed:

Representatives:

KELLEHER of Bangor
SAUNDERS of Bethel
NADEAU of Sanford
SPENCER of Standish
GRAY of Rockland

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mrs. Cummings of Penobscot moved that the Senate accept the Majority Ought Not to Pass Report of the Committee, and Mr. Conley of Cumberland subsequently requested a division.

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

Mr. REEVES: Mr. President, I ask for a roll call on this issue and I would like to speak on the bill.

The PRESIDENT: A roll call has been requested.

The Senator has the floor.

Mr. REEVES: Mr. President, I think one of the real issues involved in this bill is greed. During the regular session of this body in 1975 we passed a public law which required the Public Utilities Commission to set standards on the disconnection of utility service, and the PUC held a public hearing on this law in November, as required, but actually to this day none of these standards have been set. At the same time, I realize that some of the utility companies are attempting to follow the guidelines which are set forth in the intent of our law, but the telephone company is not one of those. For example, I believe the Central Maine Power Company is making a real effort to follow the intent of our bill passed in the regular session.

But according to the complaints I have been receiving, and from all over the state this is, the telephone company is quite arbitrary in its disconnection policy, except that it follows one rule, and that is that it is grasping for money. It can't wait if you can't pay on time. Now, they put, as a new policy in the telephone company, a due date on our telephone bills. Maybe some of you have seen this. But what that due date is, it changes all the time. For example, one woman in Randolph told me that when she called up the telephone company regarding getting her deposit back, they told her that her due date was 15 minutes or she would be cut off from the central office. This is one example of the telephone company practices.

Another is what I call a widow's tax that the telephone company is levying. For example, if a woman's husband dies and she wants her telephone name changed in the telephone directory, they charge her anywhere from \$7.50 to \$12.50 for this.

The telephone company, contrary to the intent of the PUC, had been charging \$32.50 for installation charges. There was an example of a nursing home in Brunswick where four new elderly patients in the nursing home were attempting to have phones installed, and the telephone company wanted \$32.50 from each of the patients there, \$140 for less than a half hour's work. Fortunately, the recent ruling of the PUC struck down this \$32.50 charge to \$17.50, which certainly is more in keeping with the actual cost.

We passed another law in the last session which prohibited the public utility companies from asking for deposits except where they can prove the person is a credit risk. So now what they are doing is requiring advance payment for a month for the installment charges as a way of getting around this. One other way they are getting around it, a man in Van Buren was disconnected while he was in the intensive care unit in the Bangor hospital; that is, his phone was disconnected. And now they want a deposit of \$350 before

March 3rd or they will turn him off again.

I mention these cases to indicate that the telephone company is a little cold-hearted, they are graspy, and the experience of the PUC with this installation charge, that really slipped by the PUC — they never meant to approve any \$32.50 installation charge, and now the phone company is making refunds — shows that if there is a way around it, the telephone company is going to find that way, and we are all going to pay. I think the bill in point here is a good example of this, that the PUC, because it is short staffed, undermanned, has not been able to implement this disconnection law that we passed in the last session. They have not been able to implement the fuel adjustment charge law that we passed in the last session. They were months late in determining this rate case. And so those women in the Brunswick nursing home did not get a phone because they couldn't afford the \$32.50 installation charge. And many others could not afford a phone until the PUC acted. And the PUC is not able to act.

I am a supporter of the PUC. I think it is our only protection against this monopoly. But if we allow them, without any study, just on the basis of what happened in New York State or other states, to impose a charge on information service, who are we going to be hurting? Who is going to benefit?

This is a revenue measure by the telephone company. They are after revenue. If they can't get it by upping the installation charge, by asking for deposits when they are not entitled to them, by cutting people off and asking for reconnection fees, this is the way they are going to do it. And who knows how many other schemes they have got planned.

I view my vote in favor of this bill in the sense of a moratorium. Until the PUC can get staffed up and deal with these problems as they should be dealing with them I think it is our duty to protect people from these arbitrary policies of the telephone company.

Now, this is not a condemnation of the telephone company and its service. I still have telephone service. I think the telephone workers do a great job. I love the telephone, but I think we are dealing with a monopoly here and I think we have got to act. And we forget that the telephone company is a Boston company, it is not a Maine company. And I have a case in point in my own district where a town was just completely devoid of telephone service. I mean, the horror stories where the phone would be dead for a week, where the coins would accumulate in the pay phones in this town without any service whatsoever, where the guy who ran the public phone would be getting a 5 dollar check out to the guy who owned the store 10 or 15 years ago. Finally, he took out a petition and got most of the people in town to sign the petition. Still no action from the telephone company. Until finally he took matters in his own hands and called the head guy of the telephone company, McCracken, in Boston, and only then did he get any response. And that is where the orders come from, they come from Boston, so we have got to watch out for our own interests here.

So I think the PUC should determine whether or not the telephone company has a right to charge for information calls. Maybe there are abuses, but there has been no survey, no indication of that in the State of Maine. And I understand in other states where they have put this in effect

that a blind person or a crippled person, a person with arthritis, an old person needs the service, must go into the telephone office to apply. Now, I know from other programs for the elderly and the blind that that is not possible, and the telephone company is not going to send out people and find out who is blind, who needs the service, and who is abusing it.

So in the end, what you are voting for, if you vote against this bill and for the telephone company, is some extra revenue. And I think there are ways to find extra revenue for the telephone service. I mean, I think we are dealing with big telephone now, it has the same problems as big business and big government, and I think that is where we should look to cut costs and find added revenue, not from the people who need these services. So I am hoping that the Senate will go along with the other body and pass this bill and at least declare a moratorium on the telephone company. While the PUC is waiting for staff and waiting to deal with the telephone company, let's hold off. Thank you.

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

Mr. GRAHAM: Mr. President and Members of the Senate: I don't like to come between the good Senator, Senator Reeves, and his great love for the telephone company, and I agree that there have been many abuses by these utility companies. Indeed, I had a bill in to prevent them from charging excessive deposit charges, and I have had my battles with the utilities too. But I think that is not the issue today.

The issue today is whether we have faith in our Public Utilities Commission, whether we are going to allow them to continue to make rates, as they have done in the past and as we legislated.

Another point with this is are we going to allow those who abuse the directory system, that is, those who just turn to the information bureau rather than turn to their telephone book, are we going to allow them to make us pay for their use of service? Therefore, I shall vote against this bill.

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

Mr. CYR: Mr. President, the remarks of the good Senator from Kennebec, Senator Reeves, are entirely out of order. This bill here doesn't touch at all the grievances that he mentioned. I think his grievances should be addressed to the complaint bureau that we created within the PUC last year. However, I would like to explain my reasons why I signed the ought not to pass report on this bill.

It is very simple. The PUC already has that jurisdiction, and if the telephone company wishes to go in that direction, they have to file with the PUC, and the PUC has to hear the testimony and rule accordingly. It is that simple.

At the hearing, the Commission took a stand against this bill. It is not needed. Last night on television, for instance, I heard that CMP is coming out with a request for a 21.6 million dollar increase. Now, if we were to come out with a bill here and tell the PUC that they couldn't grant increases of more than 10 million dollars, we would be interfering with their jurisdiction. And this is exactly what this bill asks us to do, it is to interfere with the jurisdiction of the PUC. They have the power to accept or reject the charging for

directory assistance. So I shall support the ought not to pass report.

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

Mr. SPEERS: Mr. President, I am speaking as the Senator from Kennebec on this particular issue. I hesitate to rise to take the position that I am going to take after listening to the good Senator from Kennebec, Senator Reeves, and his rambling comments as to the position that he is taking on this particular bill.

I don't share with the good Senator the feeling that he apparently has that the telephone company does not have the right to charge for the services that it provides, and that it does not have the right to discontinue providing that service should the payment not be forthcoming. But I do have a very basic feeling with regard to this particular bill, that simply the matter of being able to pick up the phone and ask for directory assistance is a service that the public has come to expect, that the public has enjoyed for many years, and I feel it should continue to be able to enjoy it.

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

Mr. CONLEY: Mr. President and Members of the Senate: I too just speak as the gentleman from 29 Taylor Street in Portland, located in Senate District 9, and I have my strong reservations too. If this bill isn't passed, I sort of look at it as a personal threat.

I know that in speaking with the representative from the telephone company just recently, he stated that there were very few people who really antagonized — if that is the word to use — the information bureau within the telephone company, but those that did were consistent at doing it. Well, I just ask any of you to grab hold of any one of those telephone books up there, and I am telling you I am far, far short of 20-20 vision, and even though I keep going back to my eye doctor every other year for another set of specs, I still find it more and more difficult to try to read the print that is in that book. Now, on occasion, I am fortunate enough to have a dozen little ones running around, and their vision, thank God, is perfect, and sometimes they will check a number out for me.

It is my understanding that there are going to be a tremendous amount of exemptions under the telephone company's decision as to who is going to be charged. In other words, those who are blind or disabled or whatever other infirmity they may have, are not going to be charged. Now, just how arbitrary can the telephone company get? I just think they are opening up a can of worms, personally, once they try to set this into action. And I know, speaking for myself, and being a long time consumer and payer of telephone bills, I have gladly paid them and I am sure I will continue to pay them, or I won't have a phone, but I just think that it is a service that the public has come to accept and I think they are going to look forward to receiving that service, and I just find it a little bit ridiculous, because of a small minority who take exception of a service they have always relied on, to all of a sudden find themselves being assessed an additional charge for a service that should be relied upon and depended upon.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I find it very interesting that there is a change of role. In the past I have heard arguments that everybody should pay for what they get. I think in this particular instance that is what this bill would do without. I just happen to have some figures here that the number of operators that were hired to take care of information calls were — I don't know how it gets to be .9, but it is 19.9 operators in 1965, and 39.9 in 1975. This increase in the cost obviously has gone way up. I think that this cost should be borne by the people who use it.

There will be methods used that will be printed and easy to find out, so that if you find you do make a number of information calls to the operator for a certain town, you will be given the telephone book for that town. It will be on your record, the number of toll calls, and that the company is going to give you the telephone book for that in order to do away with hiring extra information operators. I think that I myself have seen in my own family that this has been abused at times, when the book was right there and they could look it up, it was just easier to put up your feet and dial the operator and get the information. Now, I don't want to pay for that. I would rather, if someone is going to be lazy and take this easy way of finding out the number, then I want that person to pay for it. So I hope you would go along with my motion.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cummings, that the Senate accept the Majority Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Corson, Cummings, Cyr, Danton, Gahagan, Graham, Greeley, Hichens, Huber, Roberts, Thomas, Trotzky, Wyman.

NAYS: Senators Conley, Curtis, Graffam, Jackson, Katz, McNally, Merrill, O'Leary, Pray, Reeves, Speers.

ABSENT: Senators Johnston, Marcotte.

A roll call was had. 19 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with two Senators being absent, the motion prevailed.

Sent down for concurrence.

Divided Report

Five members of the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to the Maine Chapter of the Epilepsy Foundation of America." (H. P. 1907) (L. D. 2094)

Reported in Report "A" that the same Ought Not to Pass.

Signed:
Senators:

GAHAGAN of Aroostook
HUBER of Cumberland
MARCOTTE of York

Representatives:

GARSOE of Cumberland
MacLEOD of Bar Harbor

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Representatives:

SMITH of Dover-Foxcroft
GOODWIN of Bath
CARTER of Winslow
LeBLANC of Van Buren
JALBERT of Lewiston

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

Which reports were Read.

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

Mr. HUBER: Mr. President and Members of the Senate: It is with deep regret that I move acceptance of the ought not to pass report on this bill. This is a worthwhile program, as are a number of programs before the Appropriations Committee. However, this is a new program for the state, our funding situation is tenuous, at best, and I do not think this is the time to embark on new programs such as this, despite the worthwhile aspects of this. There are a number of programs that are going to have to be considered by the Appropriations Committee and, unfortunately, I feel that due to the financial status of the state budget that many of these, at least for this session, will have to be postponed until later.

Therefore, I do move acceptance of the ought not to pass report and point out the personal regret that I feel about this, as I am sure the other signers of the ought not to pass report also feel.

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

Mr. CONLEY: Mr. President and Members of the Senate: I dislike rising on this occasion to disagree with the Chairman of the Committee on Appropriations and Financial Affairs, but I take note that seldom does this branch have the opportunity to see a divided report come from the Appropriations Committee.

I agree strongly with the good Senator from Cumberland, but I would only suggest that, even though this is considered to be a new program, that it at least be given an opportunity to stay alive until this legislature has made a final decision on all matters.

Now, I assure you that if the finances were not available at the time that we were getting ready to adjourn, I would more than support the indefinite postponement of this particular measure. There are several other programs similar in nature to this that are currently down before the Appropriations Committee with a public hearing to be held very shortly, and the only thing I would request is to perhaps keep the bill alive at this time, and then if we have to kill it off, as I have stated, I would be more than happy to join the crowd.

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

Mr. HICHENS: Mr. President, I would support the Senator from Cumberland, Senator Conley. We already have a bill on the Appropriations Table which

appropriates money to the arthritis foundation. It is there and will take its chances on being funded at the close of our session. I feel that this bill has the same right and should be put on that table to take its chances likewise.

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 the Senate accept the Majority Ought Not to Pass Report of the Committee. The Chair will order a division. Will all those Senators in favor of accepting the Ought Not to Pass Report of the Committee please rise in their places until counted. Those opposed to accepting the Ought Not to Pass Report?

A division was had, 12 having voted in the affirmative, and 14 having voted in the negative, the motion did not prevail.

Thereupon, the Ought to Pass Report "B" of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Reconsidered Matter

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

Mrs. CUMMINGS: Mr. President, I move we reconsider our action whereby we accepted the ought not to pass report on Bill, "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls" (H. P. 1911) (L. D. 2098), and hope you will vote against my motion.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves that the Senate reconsider its action whereby it accepted the majority ought not to pass report of the committee. 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.

Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Encourage the Development of Career Education Programs in Maine Public Schools." (S. P. 685) (L. D. 2194)

Ought to Pass-As Amended

Mr. Curtis for the Committee on State Government on, Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in 4 Lots in Kingman, Penobscot County. (S. P. 661) (L. D. 2086)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-414).

Which report was Read and Accepted and the Resolve Read Once. Committee Amendment "A" was Read and Adopted and the Resolve, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House - As Amended

Bill, "An Act Authorizing Central Maine General Hospital School of Nursing to Confer Associate Degrees in Nursing." (H. P. 1964) (L. D. 2153)

Bill, "An Act to Include Mail Order Merchants and Creditors Under the Maine Consumer Code." (H. P. 1973) (L. D. 2162)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Senate - As Amended

Bill, "An Act Concerning the Charter of the Orono-Veazie Water District." (S. P. 648) (L. D. 2058)

Bill, "An Act to Clarify Certain Provisions of the Newport Water District Charter." (S. P. 667) (L. D. 2119)

Which were Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Orders of the Day

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

Bill, An Act to Include Grain in Weight Tolerances for Certain Vehicles Operated on State Highways. (H. P. 1887) (L. D. 2065)

Tabled — February 24, 1976 by Senator Speers of Kennebec.

Pending — Enactment.

(In the House — Passed to be Enacted)

Mr. Speers of Kennebec moved that the Bill be Indefinitely Postponed and subsequently requested a Roll Call.

Mr. Corson of Somerset then moved that the Bill be tabled and tomorrow assigned, pending the motion by Mr. Speers of Kennebec that the Bill be Indefinitely Postponed.

Mr. Katz of Kennebec requested a division.

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

Mr. CONLEY: Mr. President, I would ask to be excused from voting on this matter because of an appearance of a conflict of interest.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests leave of the Senate to be excused from voting on this issue because of the possibility of an appearance of conflict. Does the Senate grant this leave?

It is a vote.

A division has been requested on the motion by the Senator from Somerset, Senator Corson, that this matter be tabled for one legislative day, pending the motion by the Senator from Kennebec, Senator Speers, that this bill be indefinitely postponed. Will all those Senators in favor of tabling this bill for one day please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had, 11 having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that L. D. 2065, An Act to Include Grain in Weight Tolerances for Certain Vehicles Operated on State Highways, 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.; Cianchette, Collins, Cummings, Curtis, Danton, Gahagan, Graffam, Graham, Huber,

Marcotte, Merrill, Reeves, Roberts, Speers, Thomas, Trotzky.

NAYS: Senators Berry, E.; Carbonneau, Clifford, Corson, Cyr, Greeley, Hichens, Jackson, Katz, McNally, O'Leary, Wyman.

ABSENT: Senator Johnston.

A roll call was had. 17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with one Senator being excused from voting and one being absent, the motion prevailed.

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

Mr. **BERRY:** Mr. President, having voted on the prevailing side, I move the Senate reconsider its action.

The **PRESIDENT:** The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. **PRAY:** Mr. President, I move that this matter be tabled.

The **PRESIDENT:** The Senator from Penobscot, Senator Pray, moves that the Senate table this bill, pending the motion by the Senator from Cumberland, Senator Berry, that the Senate reconsider its action.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, a division was had. 10 having voted in the affirmative, and 18 having voted in the negative, the motion did not prevail.

The **PRESIDENT:** Is it now the pleasure of the Senate to reconsider its action whereby this bill was indefinitely postponed? All those Senators in favor of reconsideration will please say "Yes"; all those opposed to reconsideration will say "No".

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

Sent down for concurrence.

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

Study Report — Joint Select Committee on Jobs — study relative to unemployment, pursuant to S. P. 391 and S. P. 555 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to require the Employment Service to Provide Services to High School Students" (S. P. 719) (L. D. 2255) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Tabled — February 25, 1976 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

On motion by Mr. Speers of Kennebec, referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

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

Study Report — Joint Select Committee on Jobs — study relative to unemployment, pursuant to S. P. 391 and S. P. 555 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Require an Annual Governor's Report on Employment and the Economy" (S. P.

720) (L. D. 2256) be referred to this Committee for public hearing and printed pursuant to joint Rule 3.

Tabled — February 25, 1976 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

On Motion by Mr. Speers of Kennebec, referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

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

Study Report — Joint Select Committee on Jobs — study relative to unemployment, pursuant to S. P. 391 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Resolve, Requiring Planning for Expansion of Wood Harvesting Programs by the Bureau of Vocational Education of the Department of Education and Cultural Services (S. P. 721) (L. D. 2257) referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Tabled — February 25, 1976 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

On motion by Mr. Speers of Kennebec, referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

The President laid before the Senate the fifth tabled and Specially Assigned matter: Bill, An Act to Revise the Laws Relating to Funding of Public Schools. (H. P. 2020) (L. D. 2196)

Tabwed — February 25, 1976 by Senator Speers of Kennebec.

Pending — Motion of Senaor Sieers of Kennebec to reconsider Enactment.

(In the House — Passed to be Enacted)

(In the Senate — Passed to be Enacted)

On motion by Mr. Speers of Kennebec, tabled pending the motion by that same Senator to reconsider.

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

Joint Order — Relative to Committee on Appropriations and Financial Affairs make a review and evaluation of State Fiscal Commitment. (S. P. 727)

Tabled — February 25, 1976 by Senator Speers of Kennebec.

Pending — Passage.

Mr. Huber of Cumberland moved that the Joint Order be Indefinitely Postponed.

The **PRESIDENT:** The Senator has the floor.

Mr. **HUBER:** Mr. President, I feel this order has already been addressed by the Legislative Council and agreed to by the Governor. I agree that this approach toward finding low priority programs is necessary and, hopefully, we will reinforce the joint agreement by the executive department and the leadership of the legislature to pursue this, but I do feel that this order is probably extraneous and not worthy of our time. Thank you.

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

Mr. **GAHAGAN:** Mr. President, I would like to oppose the motion to indefinitely postpone this order. I think this order represents the essence of what we should have been doing since we were here at the beginning of the session. I introduced it, not because I did not have the faith that leadership did not in fact ask the Governor or because the Governor did in fact agree

to this procedure. I put it in to reinforce our commitment, the commitment of the legislature, that we should get moving to establish low priorities in state government, that this committee should be put into effect immediately, that in fact it should be an ongoing role of the government that we should continually assess and reassess programs of state government for possible elimination and for possible reallocation of resources.

I think this vote today will be an indication that we are at least willing to go along with this type of concept that the legislature itself should take the responsibility for its own direction in the State of Maine. I ask for a roll call.

The **PRESIDENT:** A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. **SPEERS:** Mrs. President and Members of the Senate: I could not agree with the good Senator from Aroostook, Senator Gahagan, more when he says that it is the responsibility of this legislature to undertake a review of the programs of the government of the State of Maine, with the idea of identifying the lower priority programs in order to effect savings in state government. I could not agree with that statement more strongly, besides the obvious reasons, because that is the position that the leadership of this legislature has already taken. That is the position that the leadership of this legislature took over a month ago when we came into session in the very first place.

We were called into session because there was every indication that there would be deficits in the budget that we enacted last July. We were called into session also to deal with the education finance crisis that currently existed. The Governor himself requested that the first priority of this legislature should be to take care of the educational finance crisis, and the legislature has worked for over a month in identifying that problem and in arriving at its solution to it.

In the meantime the leadership of the legislature, because we were fearful that the budget that was enacted last July would not remain in balance, the leadership requested its own finance office, and the Appropriations Committee to investigate and to again analyze the best figures available to it to determine whether or not the budget would be in balance for the current year and for the next fiscal year. The Appropriations Committee reported back to the leadership, and this has been shared with the full membership of the legislature.

The Appropriations Committee reported back to the leadership that indeed it felt the budget would not be in balance. And the response of leadership to that was to request that committee to identify the lower priority programs so that once the first priority of this legislature was taken care of, and that is the educational funding, that the second priority of this legislature could then be to review the budget that was enacted last July with an eye to placing it back in balance.

Mr. President and Members of the Senate: I submit to you at this present time that that is where we are at the present time. Now, it is also a fact that the President of this body and the Speaker of the other body jointly requested, in writing, which appeared on the calendars of the two branches of the legislature, requested the Governor to respond to the report of the Appropriations Committee

that the budget would not be in balance and to respond with his suggestions as to the lower priority programs that he would like to see cut from the budget, should he agree with the position taken by that committee that the budget would not be in balance.

The Governor has spoken with the President and the Speaker, and with the Chairman of the Appropriations Committee, and will continue to attempt to identify those programs. And that committee will continue to attempt to work with the Governor, as well as with the leadership, to identify those programs.

This is the second phase of the legislature that we are now moving into, and it is a phase that has already been placed in motion by the leadership of this legislature.

I would object to this particular order, not because I disagree with its purport, but because the actions that it would have us undertake have already been undertaken. I would object to one further specific item in this order, and that is that it specifically requires the Appropriations Committee to undertake this particular study.

Mr. President and Members of this Senate, I know full well that this is going to be one of the most difficult tasks that this legislature is going to have to face in this session, notwithstanding even the difficulties that we had in putting together a solution to the education funding problem. Because of the difficulties that this task is going to involve, it is necessarily going to involve more than one committee, it is going to involve the Performance Audit Committee as well as the Appropriations Committee, and it is going to involve numerous other committees that have got to take into consideration the financing of the various areas of state government.

I would hope that this body would continue its respect and faith in the leadership in the direction that we have outlined and in the direction that we have already placed in motion more than a month ago. I commend the good Senator from Aroostook, Senator Gahagan, for his concern, because it is a concern that I feel all of us must share and share very deeply, and it is a concern that now we should direct our attentions to and solve the second difficult problem that this legislature is going to face.

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

Mr. GAHAGAN: Mr. President, I certainly wouldn't have any objection if any other amendments would be added to include other committees in this study. If you read the order, I indicate that it is most essentially a financial matter that we are considering, and I recommended the Committee on Appropriations and Financial Affairs, on which I serve as a member. I certainly have no objections to other committees.

Furthermore, I have recommended that because it is a matter which involves the entire State of Maine, on page 2, that the Honorable James B. Longley, Governor of the State of Maine, be respectfully requested to personally assist the committee in said survey and development of recommendations for legislative consideration in order to prevent any duplication of effort and to achieve the best possible coordination of effort upon final implementation.

Senator Speers said that a month ago we

started off in a direction and he felt the direction was right. Personally, I feel that the direction is wrong. Several comments yesterday indicated that we were going in a way that would take education first and have a tax increase to fund education; later on we will have a request for salary increases, and with that problem we will have a tax increase there; and on and on it goes, ad infinitum. Every time you have a problem in state government this year we are going to have to solve it piecemeal and then put a tax increase on.

This order is an indication of this one legislator's belief that we should take a look at the whole picture of state government, take a look at where the finances are coming from, and where they should be going on a priority basis. We just cannot go on this way, taking a look at problems one problem at a time and then putting a tax on it. We have gone beyond, as I have said before — and I don't have a long speech today — but we just have gone beyond the public's ability to pay for these programs that we are promoting and implementing in the State of Maine. This education funding crisis is only one part of a very massive financial problem in state government.

I am embarrassed that the Chairman of the Appropriations Committee would say this order is a waste of time. As a member of that committee, I have had great respect for his ability to chair the committee and lead the committee, and I have been very supportive of his position. I am very supportive of leadership, except in this one area of finance. And I think that if you read the order very carefully, you can see exactly where it is our concern should be and exactly where it is that the leadership should come from that would get us out of this financial crisis that we are moving into.

We are headed for a time in which every single program in state government is going to be chronically underfunded, we will be coming back session after session for a tax increase, we will be throwing money onto problems which just is not going to be available, and we are going to bankrupt ourselves. We have got to start right now to take a look at where we are and where we want to be going. I don't even think with this bill we know where we are going, this education funding bill. So I hope you will support passage of this order.

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

Mr. CONLEY: Mr. President and Members of the Senate: The good Senator from Kennebec, Senator Speers, I think clearly spelled out what the procedure has been with the legislative leadership over the past several months. It was my opinion that the good Senator from Aroostook, Senator Gahagan, did serve on the Appropriations Committee, and I thought he would have been aware of the fact that there was a subcommittee established by that committee to look into exactly what he has brought before the Senate today.

Now, I have been a member of the Appropriations Committee in the past for a period of four years, and I know that every time a budget is presented to us that the committee itself has an extremely difficult time in trying to wrestle and arrive at an appropriate figure to fund a certain department. Now, we have all been here or many of us have been here long enough to know that when the budget is presented it

is first presented to the chief executive by recommendations from the departments. Generally the chief executive has taken a thorough look at that request and has made his cuts within those departments.

I couldn't agree more with what the good Senator from Aroostook, Senator Gahagan, is saying. I believe that these programs should be reviewed. But I think it takes the backbone of a strong chief executive in the corner office, as we always used to refer to it, and I think we have one currently serving in that office. We are all aware of the Maine Management Cost Survey recommendations, and I think the legislature, once it received those recommendations, passed a great number of them. We have talked with the chief executive, the legislative leadership, we have been in meetings with the House and Senate Chairmen of the Appropriations Committee, discussing exactly what is in this order. It has been an ongoing dialogue with the chief executive.

I can recall back last January when the chief executive first assumed the office that he asked to be given some time, and I think he is putting the time to his advantage and the advantage of the state. I think we are going to see recommendations coming from the chief executive. He has stated privately to us as leadership that he wanted the cooperation of the leadership and of the Appropriations Committee to jointly review some of the recommendations that will be made by him, which may be made also by the Appropriations Committee itself in joining with the leadership. So I again would join and support the good Senator from Cumberland, Senator Huber, and ask you to vote against this order.

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

Mr. CURTIS: Mr. President, before voting on this measure, I would like to point out one other item which has not been mentioned directly, and it is the reason that I will be voting against this order. That has to do with the paragraph that was read by the sponsor, the Senator from Aroostook, Senator Gahagan, and specifically the language which reads, "Ordered, that the Honorable James B. Longley, Governor of the State of Maine, be respectfully requested to personally assist the committee", and it continues from there. Mr. President, I think it would be a very dangerous precedent if we enacted jointly by House and Senate order this kind of request to a co-equal branch of state government.

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

A division was had, 23 having voted in the affirmative, and 8 having voted in the negative, the motion prevailed.

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

Joint Order — Relative to Committee on Education reporting out a Bill creating a Commission on Education Financing. (S. P. 728)

Tabled — February 25, 1976 by Senator Conley of Cumberland.

Pending — Passage.

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

The President laid before the Senate the following matter tabled earlier in today's session by Mr. Wyman of Washington:

Study Report — Committee on Natural Resources — study relative to solid waste management, pursuant to H. P. 1669 of the 107th Legislature, have had the same under consideration and ask leave to submit its Report "A" findings and to report that the accompanying Bill, "An Act to Improve Solid Waste Management in this State" (H. P. 2089) (L. D. 2248) be Referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

The Committee on Natural Resources to which was referred the study relative to solid waste management, pursuant to H. P. 1669 of the 107th Legislature, have had the same under consideration and ask leave to submit its Report "B" findings and to report that the accompanying Bill, "An Act to Improve Solid Waste Management" (H. P. 2090) (L. D. 2249) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

The Committee on Natural Resources to which was referred the study relative to solid waste management, pursuant to H. P. 1669 of the 107th Legislature, have had the same under consideration and ask leave to submit its Report "C" findings and to report that the accompanying Bill, "An Act to Provide Funding for Action on Solid Waste and Litter" (H. P. 2091) (L. D. 2250) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Mr. Wyman of Washington then moved that the Bills be referred to the Committee on Taxation.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would oppose the motion to refer these bills to the Committee on Taxation. The Committee on Natural Resources, pursuant to the study orders that we passed in the last session, has reported out all three of these bills pursuant to that study order.

This has not been a subject, of course, that has been treated lightly, neither in the last session or in the interim between sessions. The Committee on Natural Resources has worked on this matter and worked on these recommendations during the interim, and a considerable amount of thought and effort has gone into them, not only on the part of that committee but on the part of others that have taken this issue in a serious vein.

It would be folly to take these reports and refer them to a committee other than that committee that has already done a considerable amount of work and put in a considerable amount of effort into the particular reports that we have before us. That committee has the knowledge and the expertise as to what is in these reports and should be the committee to undertake the public hearing and make the

recommendation to this legislature. I would oppose the motion to refer these matters to the Committee on Taxation, and hope the Senate goes along with that and refers these to the Committee on Natural Resources.

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

Mr. REEVES: Mr. President, I rise in support of the excellent statement by the Majority Leader, the good Senator from Kennebec, Senator Speers.

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

Mr. JACKSON: Mr. President and Members of the Senate: I rise to support the motion of the good Senator from Washington, Senator Wyman. I have had an opportunity to look at these three pieces of legislation. Number one, when I came here to the legislature, I felt that the Taxation Committee was made up of legislators from both branches of the legislative branch that heard issues which dealt with fiscal responsibilities, fiscal notes, that imposed a new tax or generated a new tax. I don't think we can call this a tax shift. I think, number one, L. D. 2248 calls for an increase in revenue by 8 to 9 million dollars. The second one calls for a five cent tax, which supposedly is supposed to generate 4.5 million dollars. The third one, L. D. 2250, calls for a one cent tax, and I guess they haven't ascertained what that one is suppose to raise yet.

Number one, this is a new tax, it is a major tax, and it is dedicated revenue. I feel that these bills should be heard by the Taxation Committee, and I am sure that that committee, as any other committee in this legislature, has the wisdom and will hear these bills and treat these bills fairly. Therefore, I would urge every other member of this body to vote with Senator Wyman.

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

Mr. MERRILL: Mr. President and Members of the Senate: As a member of the Taxation Committee, I would just like to go on record that I am not in concurrence with the feeling of my two fellow Senators on that committee, and one of the major reasons is to save money.

I have talked to people who served on the Business Legislation Committee when this issue was considered, and those members told me that many hours and many days were spent fighting about this issue before the bill came out. I know the people on Natural Resources, many of them very well, and I know they have spent many hours and many days fighting about it. I think they are just about fought out. If we send it to them we will probably get it back pretty soon and speed up the ending of this legislature. For that reason, I think we probably ought to send it back to the people that have been working with it all summer long, all fall long, and get this bill out on the floor and then debate it then.

I don't think there is anything special that the Committee on Taxation is going to be able to add to this matter and, although the bill does produce revenue, the purposes of all these things are primarily to deal with natural resource questions, so I don't think that it is necessary to send this to another committee and involve all these other personalities in exactly how it should be drafted.

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President and Members of the Senate: As Chairman of the Natural Resources Committee, I do want to say that we had many work sessions and brought in many people throughout the summer months and fall months of this past year. I feel that we can give this a fair and impartial hearing. To me, an attempt to send this bill to Taxation is an outrage, and it is an outrage because it is an attempt to kill this bill.

The good Senator who made the motion to send this bill to Taxation, Senator Wyman, is also a member of the Natural Resources Committee, and he did not attend any of the hearings or work sessions when we dealt with this bill.

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

Mr. JACKSON: Mr. President and Members of the Senate: I rise to take issue with the good Senator from Penobscot, Senator Trotzky. I think he is inferring that the Taxation Committee cannot give this a fair and equitable hearing. I think that we can.

Number two, I think maybe if this body sees fit to send this to the Natural Resources Committee, where it does have a new tax, a major tax and dedicated revenue, then maybe the legislature in its wisdom ought to dissolve the Taxation Committee from having anything to do with anything that generates taxes or changes the revenues, whatever the case may be, and leave it up to the Legislative Leadership, Legislative Council, Natural Resources Committee, whatever the case may be. I think where this does involve a new tax, a major tax, and it is dedicated revenue, it should go to the Taxation Committee.

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

Mr. WYMAN: Mr. President and Members of the Senate: I will have to differ with the good Senator from Penobscot, Senator Trotzky, because I did attend quite a number of the meetings. I will admit I didn't attend quite a number of the meetings. I will admit I didn't stay through the sessions, the work sessions, because there was so much detail and so much arguing about minor matters, I think this bill in that committee reached the point where the members couldn't see the trees for the forest, and I think it would be good to have another committee look at this bill, and I am sure it will get a fair hearing. I would ask for 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 Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President, I request permission to pair my vote with the Senator from Aroostook, Senator Johnston, who, if he were here, would be voting in favor of the motion, and I would be voting against.

The PRESIDENT: The Senator from Aroostook, Senator Gahagan, requests leave of the Senate to pair his vote with the Senator from Aroostook, Senator Johnston, who, if he were here, would be voting "Yea", and the Senator from Aroostook, Senator Gahagan, would be

voting "Nay". Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Item 1-12, L. D. 2248, L. D. 2249, and L. D. 2250, be referred to the Committee on Taxation. A "Yes" vote will be in favor of this motion; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Conley, Corson, Cyr, Danton, Graffam, Greeley, Jackson, Katz, Marcotte, McNally, O'Leary, Pray, Roberts, Wyman.

NAYS: Senators Berry, R.; Cummings, Curtis, Graham, Hichens, Huber, Merrill, Reeves, Speers, Thomas, Trozky.

ABSENT: Senator Collins.

A roll call was had. 18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with two Senators pairing their votes and one being absent, the Bills were sent to the Committee on Taxation and Ordered Printed.

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

Mr. **WYMAN:** Mr. President, having voted on the prevailing side, I move reconsideration of this action and hope everybody will vote against the motion.

The **PRESIDENT:** The Senator from Washington, Senator Wyman, now moves that the Senate reconsider its action whereby these bills were referred to the Committee on Taxation. Will all those in favor of reconsideration please say "Yes"; those opposed "No".

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

Sent down for concurrence.

(Off Record Remarks)

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

Mr. **MERRILL:** Mr. President and Members of the Senate: I don't care to respond directly to the issue that was just discussed by the Senator from Kennebec, Senator Katz, but it raises a point that has gone through my mind many times since we have begun this biennium period under the leadership that we have and in the times that we have today.

One thing that has gone through my mind time and time again is the trend that exists in government and outside of government right now to constantly, whenever an issue breaks out and whenever any controversy develops, to question the motives of the people involved.

A democracy exists on the idea that the best thing to do is to bring controversy into the open and to discuss issues and to try to resolve them in the public marketplace of ideas. And I think the system will exist pretty well, and I think the people can make their decisions very well, if it is on the basis of the quality of those ideas and not constantly questioning the motives of the people who bring them up.

First of all, those of us who are engaged in the business of law, where we oftentimes have to make judgments about motives, know that this is one of the most difficult things to conclude, that the only person who has any inkling really of the motivation is the person who is doing the acting, and even then sometimes the

motives are so complex that they don't understand. So it doesn't do anything to help resolve the problem, and it does an awfully lot to stop the resolution of the problem.

It would be my hope that the tenor of the remarks of the Senator from Kennebec, Senator Katz, would be heard by many in this state, and not only the select group at whom he aimed them, and that we would begin again to make public debate a debate of the issues, a debate of the merits, and not constantly raising the question about people's motives. I am afraid that all of us have good motives and bad motives and at times we succumb too much to the latter, but I think for the most part that the people who serve this government and the people who work in the state for the public good are motivated by good desires and think they are working towards good ends. And those who want to improve the public order, I think, the first step they ought to take to do so is to accept that as an assumption, and then discuss the quality of the ideas and the quality of what we do. If we can do that, I think that we can preserve the nation whose bicentennial we honored today for a long time to come. And if we fail to do that, the cement of a democracy, which is trust, will be eroded over the years, and I am afraid we will separate and lose the great dream we have worked for so hard.

(Off Record Remarks)

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

After Recess

Called to order by the President.

Papers From the House

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

Enactor

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

Emergency

An Act to Make Necessary Revisions in the Income Tax Law for School Funding Purposes. (H. P. 2112) (L. D. 2264)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, with one negative vote, 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 that the Senate reconsider its action whereby this bill was passed to be enacted, 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 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. Speers of Kennebec, the Senate voted to take from the table the following unassigned matter:

Bill, An Act to Revise the Laws Relating to Funding of Public Schools. (H. P. 2020) (L. D. 2196)

Tabled — February 25, 1976 by Senator Speers of Kennebec

Pending — Motion of Senator Speers of Kennebec to reconsider Enactment.

(In the House — Passed to be Enacted)

(In the Senate — Passed to be Enacted)

The **PRESIDENT:** The Chair recognizes the same Senator.

Mr. **SPEERS:** Mr. President, I urge the Senate to vote against the motion.

The **PRESIDENT:** The pending motion before the Senate is the reconsideration of L. D. 2196. 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.

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

Mr. **MERRILL:** Mr. President, I know the hour is late and I intend to speak for just a very short period of time. The purpose of my speaking is to urge the Governor to reconsider his previously stated position and not to veto this bill.

These two bills that we are sending down today have received more than two-thirds of the entire membership in both houses. I think that if he acts to veto the bills it would be futile, and it would have a negative effect in that it would delay for another period of time the people who have to make up the budgets in the cities and towns being able to know what the basis of their computations is going to have to be.

I think that the Governor has made his position perfectly clear and I think that he can let this bill become law without his signature and the people in Maine will know clearly where he stood, will understand why he did it, and the gesture on his part I think would be appreciated by everybody now that has to deal at the town levels with the town budgets. The real effort now, I think, to bring control into educational spending is going to be made at the local level, and the attention should be directed there and this matter should be moved out of our consideration.

We still have other big problems to deal with, and among those problems we are going to have to be coming to grips with the problems that we face in finding, I think, necessary places where we can make cuts in order to deal with the budget. If we can direct our attention towards that next week, and not have to fight these battles over again, it would be helpful.

I would just like to make one point about the criticism that has been raised with what we have done, the criticism that we have given some great boon to out-of-state taxpayers and to businesses in Maine by the fact that we have shifted this small part of the property tax burden to the income tax. I would like to say just two things in that regard. First of all, the Governor has stated, and he has stated it many times since this summer, that he thinks 1994 never should have been enacted in the first place. With the enactment of 1994, the taxes on these businesses and these out-of-state taxpayers in many instances more than doubled. The fact of the matter is that if we look at where these people will be as a result of this legislation that we pass on top of 1994, many of those people are paying twice the property taxes now that they would have paid had these two actions, 1994 and these revisions, taken place.

How can any individual be against the passage of 1994 and the placement of the uniform property tax and then turn around and say what we have done by moving the mill rate back a quarter of a mill is giving these people a big tax break? I just don't

think the two positions are consistent and I don't think they would bear close scrutiny. Also I don't think that it is quite fair. The 35 percent of the property tax money that we collect that comes from businesses in Maine, most of these businesses are small, they are run by people who live in Maine, and they are run by people who pay Maine income taxes. These people aren't getting any special break. We know, and the Governor has stated, that Maine businesses are paying a very high percentage in taxation already. It may make good rhetoric to talk about businesses getting big tax breaks, but the fact of the matter is that it just isn't true, and these people are going to pay their taxes in Maine.

I might also point out that roughly 5 percent of the income tax we collect is collected from out-of-state individuals who earn some monies in Maine and pay income taxes here, so it isn't a complete shift onto Maine taxpayers. I don't think that these reasons bear close scrutiny, particularly when given by a person who is against 1994 completely, and I think that the fact that we have come as close as we have to the Governor's estimates, and the fact that we have demonstrated that we have two-thirds in both bodies, I hope those will prompt the Governor to reconsider his position and let this bill become a law without his signature.

Mr. Gahagan of Aroostook was granted unanimous consent to address the Senate.

Mr. GAHAGAN: Mr. President and Members of the Senate: I think that the good Senator, Mr. Merrill, has completely missed the whole point of what we are doing by saying that we should pass this bill because it really doesn't give a big benefit to out-of-state taxpayers. I am not as concerned about out-of-state taxpayers as I am about the taxpayers in the State of Maine.

I don't think educational funding is necessarily out of control either. I think state spending is out of control. That is the big issue that we are supposed to be looking at here in this state.

When the majority leader this morning said that he thought we should get this education thing out of the way and then we could proceed to the budget, I think he was incorrect in his statement. I think the educational funding of 260 plus million dollars is a big part of the state budget and that too should be considered.

I really don't know if everybody thinks they know where they are going, but I don't think we are headed in the right direction, and I think we should stop and ask the questions of just what it is we are doing here.

Since Senator Merrill has asked the Governor not to veto this bill, I think perhaps I should take this opportunity to go on the record and say that I think he should veto this bill. I think if he does veto this bill it will give us a chance to stop, put the brakes on, and take a look at what we are doing, and maybe take a look at the order that I put in this morning which really didn't have enough votes to get a roll call. In my experience in the legislature in three years, I have only seen this happen once, and I have never seen it happen in the Senate.

I don't understand what is going on here. There seems to be some steamroller coming down the hall that is telling us to pass this bill because it is the only thing we have got before us. For once, I think this legislature should do what leadership

wanted us to do at the beginning of this session, to sit down and take a look at program review, at program elimination. Although the majority leader said this morning that we were doing this in the Appropriations Committee, we are not doing this in the Appropriations Committee. And to my knowledge, Performance Audit is not doing it.

We have been meeting, we have been hearing bills, but there has never been a mention from leadership or from the Chairman of the Appropriations Committee that we were going to consider program elimination on a priority basis. Representative Garsoe, a member of the committee, and myself have spoken to the chairman on several occasions and had asked that we begin to consider it. And last week I went to the President of the Senate myself and I asked him if we should not begin to do this immediately before the education funding bill goes through, before we consider the matter of state employees' raises. We should do all of this before. Government is just taking off. We have got a program here which, as I said yesterday, has been pretty much written out in a book. If you want to read what Maine government is doing, you can read this Advisory Commission on Intergovernmental Relations Program. We received it a couple of weeks ago in the mail, and whole thing is laid right out before us. You can see exactly what has been going on here. We are attempting to put in a property tax out of page 31. The whole of state government was pretty much set up in the past eight years during the Curtis Administration by this public administration clearing house. Let me just read the summary contents of this book, and you can see exactly where government reorganization came from:

Part 1, State Government Structure and Processes

Part 2, Local Government Modernization

Part 3, State and Local Revenues, which includes property taxes

Part 4, Physical and Personnel Management

Part 5, Environmental Land Use and Growth Policy

Part 6, Housing and Community Development

Part 7, Transportation

Part 8, Health

Part 9, Education

Part 10, Criminal Justice.

This little book contains a whole lot of what is going on in Maine. If you haven't read it, you should really read it. It is amazing, if you didn't know where the stuff is coming from. It comes out of Washington. It is a big national clearing house. I can speak to this, I studied this in graduate school; a master's degree in Public Administration, and I sat at the feet of these people. This is what they are teaching, city management, outside commissions, a lot of this stuff that is promoting a particular idea. And I think it is great, in the beginning I believed that their motives were sincere. In 1959 when this Intergovernmental Relations Advisory Commission was first started, the sponsor of this legislation, Senator Edmund S. Muskie, was very sincere, and I believe that he felt he was doing the right thing. I think now we are seeing the manifestations of one of these programs that was provided by professional administrators, of which I am qualified to be one. This is one of the programs, and it is haunting us today, and it is going to

haunt us in the future unless we stop and take a look at what we are doing.

This program here represents something which is very desirable if we had a lot of money in the State of Maine. But we don't have a lot of money, we can't afford it. And if we just pass this education bill and we pass the tax to fund it, and tomorrow we come up with a state employees' salary increase and then we pass the tax to fund it, this thing is going to end.

If the Governor vetoes this bill, and we do not have an override in the other body, we are going to have to really take a serious look at what we are doing in state government because we are going to have to come up with something, and I think we should be ready. I think that as we go home this weekend and talk to the people that we represent, we are going to be hearing from them that they don't want this to go through.

We are all in favor of education. We are all in favor of state employees. I would really like to be able to give education as much money as it wanted. I would really like to be able to give state employees a salary increase. But we just can't keep taking from out in the public, we can't keep taking from the tax dollars. They are not going to last. So if we want to give a salary increase to state employees, if we want to give education all the money that it needs, let's take a look at what we have got in the state, let's do this priority program review. I don't care if it is my order that goes in or not. Put any order in you want, put anybody's name on it you want, but just listen to what the order says. And I want to read this into the record because it didn't get in this morning.

WHEREAS, the People of Maine have established the authority delegated by the Constitution of Maine; and

WHEREAS, the People of Maine have delegated to the Legislature the power to control spending and taxation; and

WHEREAS, the Members of the Maine Legislature are both entitled and obligated to perform that task; and

WHEREAS, a state and national financial crisis exists which, through inflation has seriously curtailed the purchasing power of State Government; and

WHEREAS, existing services exceed the ability of Maine people to support them financially; and

WHEREAS, a comprehensive review of existing and pending state and federal mandates and initiatives is an essential first step in controlling this financial crisis; and

WHEREAS, this crisis is most essentially a financial matter, now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs be directed forthwith to make a comprehensive review and evaluation in order to establish the State's degree of fiscal commitment and to make such recommendations for the elimination of programs on a priority basis which the State can no longer financially sustain; and be it further

ORDERED, that the Honorable James B. Longley Governor of the State of Maine, be respectfully requested to personally assist the committee in said survey and development of recommendations for legislative consideration in order to prevent any duplication of effort and to achieve the best possible coordination of

effort upon final implementation of such recommendations; and be it further

ORDERED, that the study of any subject or matter adjudged by the committee to be relevant or germane to the subject of this Order shall be deemed within the scope of the committee's inquiry; and be it further

ORDERED, that the committee report its findings and recommendations, including any suggested legislation, to the next special or regular session of the Legislature."

I do not believe that it is the right thing to enact this bill, and I think that if we all stop to think about it, it isn't right. We just can't do it without taking a look at the whole picture of state government.

Government in the country today and in this state is like a balloon that you just start blowing up, and then you let a little air out and it contracts. Then you put some more in it, and it goes a little bigger, and it contracts. So we have decreased the property tax a little bit. Well, it will expand probably in the next session, and then it will contract a little bit. We have just about reached the limits and we are just about ready to pop.

I agree with Senator Katz, as he said this morning, that the state is not in bankruptcy now. No, it is not near it, but it is heading in that direction. Within five or six years, maybe even sooner, we are going to see some very serious financial problems in this state, unless this legislature takes a very serious look at the whole problem of financing in state government. We are just a poor state, we are not a rich state. We can't have all these high finangled programs that are being promoted by an administrative lobby. We can't afford it. So we have got to take a look at what we can afford, and I hope we take a very, very serious look and vote against this.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate.

Mr. KATZ: Mr. President, to a very real extent I feel that our actions here today are not the actions of problems facing the 107th Legislature, but the fulfillment of an obligation created by the 106th. And I would like to take you back just three years to tell you what happened and what was said, and I will do it very quickly.

When 1994 was passed, we removed about 28 million dollars off of the local property tax. And at that time we very clearly made a commitment that as we moved the state's share of the cost of education from 33 percent to 50 percent somebody was going to have to come up with the balance when the 107th met. Now, in this body I said very clearly that if economy kept on its merry way, and that was a big "if", and if education continued to get its historic percentage of the state government, and that is another big "if", that it is possible that no tax increase would be necessary, but I considered that highly unlikely and politically unpalatable.

At that time I said that if we were to live up to our responsibilities in the shift of this 28 million dollars, that the 107th Legislature would have to raise the income tax something in the order of 33 percent. Well, I guess that is pretty much what we have done. This is the first time this legislature has given any thought at all, any action at all, to pay for what we did, last session. And it is absolutely inconceivable that anybody alive could

think that we could increase the state's share of the cost of education from 33 to 50 percent without raising some taxes at the State level. And I am aware of the fact that the 107th met under the most difficult possible circumstances, but what we have done here today I think was absolutely committed by the action of the 106th.

Mr. Cianchette of Somerset was granted unanimous consent to address the Senate:

Mr. CIANCHETTE: Mr. President and Members of the Senate: As you know, my efforts in this whole situation have been to find a way that the Governor could live within his commitment to the people and we can still meet the obligations of this session. Looking at his letter we see on our desks today, he says that he still wants to cooperate and still wants to find a way to do this. I suggest that he should consider an additional bill, that can be done before the end of this session, that would take care, I believe, of all the problems or practically all of the problems he outlines in this fact sheet on education financing. I am sure the answers are not that far away. He could sign this legislation, and he could introduce one simple other bill to take care of this situation of the out-of-state residents not paying property tax, a very simple matter. I think it would be a good idea to do that, and I think that we would be in line with his thinking, he could stay in line with everything he has committed, and we could move this session on. I hope he does that.

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

Mr. JACKSON: Mr. President and Members of the Senate: I spoke briefly the other day in opposition to L. D. 2196. I addressed the area where I felt we hadn't gone back to the school, the educational community, to ask them to address the situation at that level. I again added in that I didn't feel, if we weren't going to address the community, the educational community, that I didn't feel we had enough money in L. D. 2196 to adequately fund the cost of education in this state. Thirdly, we pass a bill which cut by ten percent state mandated programs, which in effect is going to save the state \$3.8 million, almost one-half mill increase on the property tax at local level to remain in the current budget if the budget did not increase next year for the school administrative districts or schools.

In thinking about this, I thought back to a group that I spoke to, and I spoke on state government, county government and local government. I just looked on my desk and I did have some notes on the speech that I prepared, and I think it would be quite appropriate to address this situation. As I wrote on this, the crisis of confidence in government is quite real. The people have lost their faith in the ability of our governmental institutions to efficiently and effectively solve our state problems. Today the taxpayers of this state, property tax, income tax, whatever the case may be, could not be more concerned, more critical, more disenchanted, and more alienated from the very institutions which bring order, efficiency and service to those whose dollars support them than they are right now.

Yesterday we saw fit to enact a piece of legislation which takes from the taxpayer, the working man of this state — and I assume the five percent that Senator Merrill mentioned are the working men who serve the military in this country,

partially, and I would say that that would probably take up a good percent of the five percent — 18.3 million dollars. In doing this, we give non-residents, as the Governor states on the back of his letter we received on our desks this afternoon, a reduction in the property tax by 6.5 million dollars. I call this justice to the taxpayers and the workers of this state.

As I continue on, we have at this state government since 1963 created bureaucracies that expand work to take the time or to fill the time available for its completion. Subordinates in these departments increase at a fixed rate, regardless of the amount of work produced. Expenditures rise to meet incomes needlessly. And when funds are limited, and it is quite obviously around here, the only economy made is in thinking. I might finish in stating that as far as I can see, and I have been a resident of this state for 31 years, and I have been a taxpayer of this state for a good 13 years, all we buy with higher taxes is additional administrative delay. And I would like to thank you gentlemen for your time.

On motion by Mr. Speers of Kennebec,
Adjourned until 12 o'clock tomorrow noon.