

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

Wednesday, March 10, 1976

Senate called to order by the President.

Prayer by Rev. Millett E. Cummings of Norway:

Shall we bow our heads. Almighty God, our Heavenly Father, who doth rule the world in righteousness and whose judgments are true and righteous altogether, grant, we beseech Thee, that those who have been elected to legislate for the people of our great state may be ever mindful of their responsibilities to establish justice and promote the welfare of all its people. Endow each member of this Senate with right understanding, pure purposes and sound speech. Inspire and enable them, we beseech Thee, to rise above all self-seeking and party affiliations, to the higher and nobler concern of public good and human brotherhood. Endow them, we pray with Thee, with a portion of Thy diviner wisdom, to the end that their deliberations and actions this day and every day be governed by a true vision of truth and justice, and a statesmanlike sense of duty to the citizens of our state. To this end, we humbly seek Thy blessings and divine guidance upon the officers and members of this Senate, upon our Governor, and all those in high places in our state government. All these we ask in the name of our Lord and Savior, even Jesus Christ Himself. Amen.

Reading of the Journal of yesterday.

The PRESIDENT: The Chair at this time would ask the Sergeant-at-Arms to escort the Senator from Knox, Senator Collins, to the rostrum to act as President pro tem this morning.

Thereupon, the Sergeant-at-Arms escorted Mr. Collins of Knox to the rostrum where he assumed the duties of President pro tem, and the President retired from the Senate Chambers.

Papers from the House Joint Orders

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources is directed to report out a bill to provide that the repair of existing septic systems may be approved and permits issued by the local plumbing inspector. (H. P. 2172)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

On motion by Mr. Trotzky of Penobscot, the Senate voted to reconsider its action whereby this Joint Order was Passed in concurrence.

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending Passage.

WHEREAS, chapter 570 of the public laws of 1973, enacted by the 106th Legislature and approved by the voters, created The Maine State Lottery Commission; and

WHEREAS, among the purposes of this commission are the regulation of State Lotteries and the depositing of receipts from State Lotteries into the State Lottery Fund for the payment of prizes to the holders of winning lottery tickets, for the payment of lottery operating expenses and for payment into the General Fund; and

WHEREAS, there is some question as to whether the current statutory pay-out

percentages from the State Lottery Fund to winning tickets, to lottery operations and to the general fund are the correct percentages for maximum revenue yield from State Lotteries; and

WHEREAS, the revenue expectations of the State Lottery have recently been far below revenues projected by the State Lottery Commission; and Whereas, these problems indicate the need for a careful scrutiny of lottery operations by this session of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Performance Audit shall conduct a study of the operations of the Maine State Lottery Commission, with emphasis on determining the reasons for recent actual lottery revenues falling below revenue expectations, the best methods for increasing the proper yield of the Maine State Lottery and — the effectiveness of current policies of the State Lottery Commission in carrying out the legislative intent embodied in PL 1973, C. 570, as amended; and be it further

ORDERED, the Senate concurring, that the committee shall complete this study no later than 90 days prior to the next regular session of the Legislature, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, that upon passage of this Order in concurrence, the Clerk of the House shall forward a suitable copy of this order to the Senate and House chairmen of the committee. (H. P. 2173)

Comes from the House, Read and Passed.

Which was Read.

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

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Coach Robert J. Lahey, Captains Vernon Cunningham and Peter Clark and the Old Town High School Indians Eastern Maine Class A Basketball Runners up 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. 2167)

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 the Lewiston High School Blue Devils and their

Coach, Donia Gerard, Jr. State of Maine Hockey 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. 2169)

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 Carolyn Honaker Town Clerk of Turner who Compiled and Printed the 1975 Turner Annual Report

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. 2170)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers Judiciary

Resolve, Authorizing Merrilyn Young, or her Legal Representative, to Bring Civil Action Against the State of Maine. (H. P. 2174) (L. D. 2297)

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

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

Papers from the House

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

Joint Order 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 William C. Hughes of Brewer for his actions during the flood at Bangor on February 2, 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. 2175)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Mr. Curtis of Penobscot was granted unanimous consent to address the Senate.

Mr. CURTIS: Mr. President, the purpose of this very worthy order that has been sent forthwith from the House of Representatives is to recognize the heroic rescue efforts of Bill Hughes of Brewer. Bill is the man who had the presence of mind to recognize the danger when so few other people really understood what was happening when the water started to rise in Bangor, and to race to a local sports store and obtain a boat, which he took out into that current in the icy water and rowed to rescue four people who were on top of their vehicles and about to be drowned — that would have been the danger — and thereby saved their lives. It was, as many people have said, a miracle that no one lost their lives in that great flood, but it is certainly a tribute to the quick thinking and heroic efforts of this man that four people are still alive, and we are pleased to be able to honor him today. Mr. President, he is in the chamber and you might like to ask him to rise.

The PRESIDENT pro tem: The Senate would be pleased if Mr. Hughes would rise and be recognized, and the Senate would now like to give you recognition. (Applause, the members rising.)

Study Report — Joint Select Committee on Jobs

The Joint Select Committee on Jobs to which was referred the study relative to unemployment, pursuant to Joint Orders S. P. 391 and S. P. 555, of the 107th Legislature, have had the same under consideration and a Majority asks leave to report that the accompanying Bill, "An Act to Establish a Maine Community Jobs Act" (H. P. 2165) (L. D. 2293) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Which report was Read.

Mr. Speers of Kennebec moved that the Bill be referred to the Committee on Taxation in non-concurrence.

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

Mr. REEVES: Mr. President, this is the community jobs act. This bill was before the Senate last week, and at that time the Senate, at the suggestion of the majority leader, referred it to the Committee on Labor. And it reminds me a little now of that song "First you say you will and then you say you won't". I understood from leadership that this bill would be referred to the Committee on Labor. I think that is the proper place for it.

This is a plan to put people to work. There is one part of it, if you would get out this bill, that refers to a tax on excess corporate profits. This is a small part of the bill and makes up a small part of the funding for this bill. But we have a problem in this state of 11 percent unemployment, and this bill is a plan that the Jobs Committee has worked out over the past year. It is the result of testimony we have taken from all over the state, and even from the Province of New Brunswick in Canada.

This is a plan for new use of jobs money

and other federal monies coming to the state. It also requires state agencies to supply supportive services and, as one element, asks for a tax of 4 percent on excess profits or profits in excess of \$25,000.

I think the proper committee is the Labor Committee because they are also studying other unemployment tax measures. As a matter of fact, they had a hearing on one yesterday. The basic jobs program design in this bill is based on the local initiative program in Canada, which is very successful, and which I believe would be best understood by the Labor Committee.

This bill establishes the principle of short-term jobs rather than the current system used by the CETA program, and this was the charge by the legislature to the Jobs Committee, to investigate CETA and come up with alternatives.

Now, I don't want to debate the bill now. I just wanted to point out that this is not a tax measure, this is a jobs bill. If you will look at it, you will see all the way through, that it is a jobs bill, the title is a jobs bill, and I think it was recognized as such by the leadership last week. It is no more a tax measure than the school funding was, than the unemployment compensation tax, or the spruce bud worm, and I think it would be a serious mistake for us not to have a jobs bill that would put people to work. And to send this to Taxation would be, I think, giving it completely the wrong interpretation, and I think would indicate to the public that we are not serious about putting people to work. So I urge you to vote against this. I would like to have a roll call, if I may, Mr. President. And then if we can defeat this move, I would like to go along with the House and refer it to the Labor Committee.

The PRESIDENT pro tem: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I dislike prolonging this legislative session, particularly by delaying it in such a manner on reference of bills. It seems to me we are getting pretty well down the road in hoping to adjourn this special session. It is obvious to me that if the Senate were to go along with the motion made by the majority leader today, we would be in non-concurrence again, and it is obvious that the other body would then move to recede and concur, and I think it is just becoming a little ludicrous.

I think the good Senator from Kennebec, Senator Reeves, is right, that we are just playing games here, and I think it is stupid to be prolonging anything in this manner just to have it sent down to another committee. I think there are some members on this committee who respect the fact that the good Senator from Kennebec, Senator Reeves, has put a tremendous amount of hours into this proposed legislation before us, and it is a matter of precedence over former years, past years, that when a joint select committee was established, that many times these joint select committees actually held the hearings on the legislation themselves.

I think it is a jobs bill, I think it does deal primarily with the labor force in the state, and I think it is just ludicrous to be recommending this to go to Taxation, and I would urge the Senate to vote against it.

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

Mr. WYMAN: Mr. President and Members of the Senate: When you increase the corporation tax from 7 to 11 percent, it is pure and simple a tax bill. Now, you can dress it up with other words, but it is pure and simple a tax bill, and I hope the Taxation Committee handles it.

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

Mr. SPEERS: Mr. President, I must agree with the good Senator from Washington, Senator Wyman, that this bill is certainly a tax bill and should go to the Taxation Committee. I might note that many of the Senators that are arguing to have this matter be referred to the Committee on Labor are the same Senators who voted to refer another matter that came out of the Committee on Natural Resources to the Committee on Taxation because that particular matter contained a tax item.

I think that this is the proper place for this particular item. It is raising the corporate profit tax from 6 to 11 percent. And in regards to that, I think it might be somewhat interesting for this Senate and for the people of Maine to hear from the good Senator from Kennebec, Senator Reeves, when he refers to excess corporate profits, I would be interested in knowing what his definition of that phrase might be.

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

Mr. BERRY: Mr. President and Members of the Senate: If it were parliamentarily possible for me, I would move that this report and all accompanying papers be indefinitely postponed, and if this current motion fails, I shall make that motion. I have seen no legislative document before this session which is more politically oriented, wide and as sweeping in its attempts to do something, and less productive of what the real needs of the State of Maine are than this piece of paper.

I wonder if I could ask one of the pages to give me Senator Trotzky's Bangor News for a minute please.

The PRESIDENT pro tem: Does the Chair understand that the Senator from Cumberland is making a motion?

Mr. BERRY: I am not making a motion, but I shall make the motion if the current motion does not prevail.

I have always been impressed in the Bangor Daily News by the amount of help wanted ads. I think it probably proportionately has more ads than any other paper in the state, and I would refer you to any issue, this one, page after page of help wanted ads. Where has this committee paid any attention whatsoever to the possibility and the need for satisfying the unemployment problem in the State of Maine which is created, for some reason or other, and results in what we see, job after job after job going unfilled?

I would let this go by without comment if it were not being used, in my opinion, as a means of running for congress by the Chairman of the Committee, Senator Reeves. The most important problem which we face was not tackled by this committee, which was set up, you may recall, after considerable debate in this body, and a fairly rough road it had

towards its inception. It has never devoted itself to the real problem of why is it we have a large army of unemployed people and a large number of jobs that we can't get people to step into. And I challenge the good Senator from Kennebec to even make an attempt to answer that problem. He certainly didn't in his committee work. And that makes him suspect, as I accuse him, of using this committee for partisan political purposes. If I were a member of the Democratic Party running in the primary this June, I would be a little bit concerned.

My reason for making the motion ultimately, if possible, to get rid of this can be focused on one particular section, and that is the way that he proposes to pay for the bill. We have an agreement understood here in the whole legislature that worthless projects that have a money tag on them are not going to get passed by this legislature, and this certainly fulfills in every demand for qualification that type of proposed legislation. So I think we are going to, as indicated here, shorten up the legislative session a little bit if we were to dispose of this. So I hope you would defeat the motion and permit me to make the following one I indicated.

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

Mr. MERRILL: Mr. President, the Senator from Cumberland, Senator Berry, just said if he were a Democratic candidate running for Congress right now, he would be a little bit concerned. I would like to say that if he was a Democratic candidate running for congress right now I would be a whole lot concerned.

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

Mr. PRAY: Mr. President and Members of the Senate: Since the good Senator from Cumberland has brought attention to the Bangor paper and its employment ads, I want to, for those of you that don't have a paper, read some of these employment ads. For example, mature lady to babysit nights in Brewer; a nurse here, has to be registered; a registered nurse's aid; nurse; nurse; nurse; plumber needed with license; registered nurse required; secretary for law office. These aren't the typical jobs that this bill addresses itself to. I think if he spent a little bit of time reading down the different employment ads that are in there, he will find out that this doesn't apply to the average working person in this state.

I represent a district that has a large percentage of unemployment because of the lack of an industrial base, which has left the state. And I think if we have a proposal before us to look into this problem that we should look into it, and I definitely think that issue belongs before the Labor Committee.

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

Mr. BERRY: Mr. President and Members of the Senate: Responding to the Senator from Penobscot's comment, right in his own area, job solicitations time and time again are calling for woods operators, lumbermen, people who can operate equipment and go in the woods and work. And one of the most notorious examples we have in this area is the importation of Canadian labor.

Has this committee looked into why we have Canadian labor coming in taking jobs

which are good paying jobs, and are yet not jobs that fall into the licensed professional category, or something like that, as Senator Pray indicates? No, we have not done that.

Why is it that we have the lowest 15 percent of the people paid in the State of Maine receiving in private employment less than they get if they are on welfare receiving state payments? Now, if this situation exists, there is something wrong, and I say that this committee has not addressed itself to the most crucial problem facing unemployment in the state. So I would hope again that you would vote against the prevailing motion.

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

Mr. PRAY: Mr. President and Members of the Senate: If the good Senator from Cumberland would check his calendar, he would find out that we have a bill studying foreign labor in the agricultural and logging industry.

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

Mr. WYMAN: Mr. President, the motion is to refer this to Taxation, is that right?

The PRESIDENT pro tem: The Senator is correct.

Mr. WYMAN: Then to vote for the motion would be to vote to refer it to Taxation?

The PRESIDENT pro tem: The Chair answers in the affirmative. In order for a roll call to be ordered, it must be the expressed desire of one-fifth of those Senators present and voting. All those who favor of ordering a roll call will stand in their places and be counted.

Obviously one-fifth having requested a roll call, a roll call is ordered. The motion before the Senate is the motion by the Senator from Kennebec, Senator Speers, that Item 1-7, L. D. 2293, be referred to the Committee on Taxation.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Collins, Corson, Cummings, Danton, Gahagan, Graffam, Greeley, Hichens, Huber, Johnston, Marcotte, McNally, Roberts, Speers, Thomas, Trotzky, Wyman, Sewall.

NAYS: Senators E. Berry; R. Berry; Carbonneau, Cianchette, Conley, Curtis, Cyr, Merrill, O'Leary, Pray, Reeves.

ABSENT: Senators Clifford, Graham, Jackson, Katz.

A roll call was had. 18 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with four Senators being absent, the motion prevailed.

Sent down for concurrence.

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

Mr. WYMAN: Mr. President, having voted on the prevailing side, I move to reconsider, and hope everybody votes against me.

The PRESIDENT pro tem: The Senator from Washington, Senator Wyman, moves the vote to refer Item 1-7 to the Committee on Taxation be reconsidered. All those in favor will say "Yes"; those opposed will say "No".

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

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

Order

On motion by Mr. Berry of Cumberland, ORDERED, the House concurring, that the Appropriations and Financial Affairs Committee and the Performance Audit Committee are hereby directed to prepare for the consideration of the 107th and 108th Legislatures a report listing authorized statutory programs reviewed on a cost-effectiveness basis. This list shall be prepared for the purpose of legislative decisions that may be desirable or necessary in the elimination or revision of existing programs.

The committees are authorized and directed to work cooperatively with the Executive Department in the discharge of their duties.

The committees shall hold public hearings and submit partial and final reports to the Legislature as progress in their review may indicate. (S. P. 747)

Which was Read.

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

Mr. CONLEY: Mr. President and Members of the Senate: The order before us is an order similar to the one in nature that the good Senator from Aroostook, Senator Gahagan, introduced last week and was defeated. I voted against that order last week primarily because it has been my consensus since coming in here in the 107th Legislature that both the Performance Audit Committee and the Appropriations Committee have been reviewing the ongoing costs of state government. In fact, if the truth were known, the Performance Audit Committee itself was established in a sense of priority, in that nature.

Every day, or at least it is almost continually every day that I pick up a newspaper and I see where the chief executive flails away at the members of the legislature for being irresponsible in the sense of not trying to establish some cost savings for the taxpayers of this state. Personally I resent that because, as I have stated, I have felt that the leadership itself has been involved in trying to work with the members of the Appropriations Committee particularly, and secondly, also with the chief executive.

If I could refresh your memories just a wee bit, we can all recall that back a couple of years ago the chief executive at this time, being a layman of Lewiston, was appointed by the former governor of this state as the Chairman of the Maine Management Cost Survey Commission. That commission did a very thorough searching job on the operations of state government, and submitted its recommendations to the legislature in special session, that being the 106th Legislature. That legislature — and there are many members here today who served in that body — took those recommendations and passed them and brought about some of the cost savings that the chairman of the commission at that time had recommended.

I don't want to criticize the governor today because I honestly feel that he is trying to do the best with what he has to work with, but I do want to make it emphatically clear that he has been occupying that corner office for fourteen months and I have yet to see one recommendation come to the legislature to cut out current ongoing programs that have outlived their usefulness. I say that is a challenge to the chief executive, and I

say it is a challenge for this legislature to work hand in hand with him, but I think it is far and beyond the time that the taxpayers of this state should have their eyes and ears open to the fact that this legislature is more than willing to cooperate and work with the chief executive, but I think he is the chief executive and those recommendations should be forthcoming from him.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: I would like to commend the sponsor of this order for introducing it. I, of course, am going to enthusiastically support it. I think it is a very good time that we would to this right now.

I also wish to agree in part with some of the remarks that have been made by Senator Conley. I think that the chief executive of the state did indicate in his call to the legislature that we should come to the legislature to consider the educational funding issue. And as I stated last week, I felt that we should consider the whole issue of priority program funding before the educational funding issue was considered. I don't think the governor himself was sympathetic to this. I think that by calling us in on a specific issue that he did not put us in a position to consider the whole issue.

At this time I do support this order. I hope it is not too late because I think that by letting the educational funding bill go out with this 260-plus million dollars on it that we are not considering a very large part of our state budget. Nevertheless, a priority program review at this time is also a very worthwhile effort and I hope that we will all vote in favor of its passage.

The PRESIDENT pro tem: Is it the pleasure of the Senate that this order be passed?

Thereupon, the Joint Order received Passage.

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

Communications

State of Maine

One Hundred and Seventh Legislature
Committee On Marine Resources

March 5, 1976

Legislative Council
107th Legislature
State House
Augusta, Maine 04333

Members of the Council:

In accordance with H.P. 1759 directing the Marine Resources Committee to study the statutes regulating the harvesting, processing, buying and selling of fish and shellfish, in Maine, we enclose herein the final report of the Committee.

Respectfully submitted,

(Signed) RICHARD N. BERRY

Senate Chairman

(Signed) LAWRENCE P. GREENLAW,

JR.

House Chairman

Committee on Marine Resources

(H. P. 2168)

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

Which was Read and with accompanying papers Ordered Placed on File in concurrence.

Committee Reports

House

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

Bill, "An Act to Increase the Statutory Limit on Single Loans Made by the Maine, Veterans Small Business Loan Authority Board from \$15,000 to \$25,000." (H. P. 1830) (L. D. 1995)

Bill, "An Act to Provide Additional Funds to Adjust the Salary Schedules of the Faculty, Administrative Staff and Classified Employees of the Maine Maritime Academy." (H. P. 1956) (L. D. 2145)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Increase Salaries of Justices of the Supreme Judicial and Superior Courts and Judges of the District Courts." (H. P. 1900) (L. D. 2080)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Medical Care for Aged, Blind and Disabled Individuals." (H. P. 1925) (L. D. 2112)

Reported that the same be granted Leave to Withdraw.

The Committee on Taxation on, Bill, "An Act Relating to Tax on Pari-mutuel Pools and State Stipend Law." (H. P. 1872) (L. D. 2043)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act Restricting the Use of Motor Driven Boats on Certain Areas of Penobscot River." (H. P. 1946) (L. D. 2132)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act Relating to the Initiative and Referendum Process." (H. P. 2027) (L. D. 2203)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-954).

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

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

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Remove the Minimum Mandatory Tax from the Railroad Excise Tax Formula." (H. P. 2003) (L. D. 2179)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-952).

Signed:

Senators:

WYMAN of Washington

JACKSON of Cumberland

MERRILL of Cumberland

Representatives:

DRIGOTAS of Auburn

COX of Brewer

IMMONEN of West Paris

MORTON of Farmington

MAXWELL of Jay

TWITCHELL of Norway

DAM of Skowhegan

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

Signed:

Representatives:

SUSI of Pittsfield

MULKERN of Portland

Comes from the House, the Majority report Read and Accepted and the Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for March 12, 1976, pending Acceptance of Either Committee Report.

Senate

Ought to Pass — As Amended

Mr. Thomas for the Committee on Business Legislation on, Bill, "An Act Concerning Insurance Coverage for Blind Persons." (S. P. 637) (L. D. 2012)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-425).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, 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 to Extend Collective Bargaining Rights to the Employees of Maine Maritime Academy." (H. P. 1944) (L. D. 2141)

Resolve, Authorizing the Exchange of Certain Lands in the Capitol Complex as Recommended by the Capitol Planning Commission. (H. P. 1968) (L. D. 2157)

Resolution, Proposing an Amendment to the Constitution to Allow Judges whose Terms of Office Expire or who Reach Mandatory Retirement Age to Continue to Hold Office for up to 6 Months until their Successors are Appointed. (H. P. 2037) (L. D. 2209)

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

Senate — As Amended

Bill, "An Act Concerning the Administration of Medicine to Inmates of County Jails." (S. P. 668) (L. D. 2127)

Which was Read a Second Time and Passed to be Engrossed, as Amended. Sent down for concurrence.

Enactors

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

Emergencies

An Act to Authorize Washington County to Raise \$600,000 for Construction of a Detention Center. (S. P. 693) (L. D. 2213)

An Act to Extend the Interim Zoning in Areas of Franklin and Somerset Counties. (S. P. 683) (L. D. 2189)

An Act to Correct and Clarify the Maine Banking Code. (S. P. 650) (L. D. 2057)

These being emergency measures and having received the affirmative votes of 26 members of the Senate, were Passed to be

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

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: I rise to object to the debate that took place here this morning, and especially those words from the Senator from Cumberland, Senator Berry. In the manual of Legislative Procedures, section 124, it clearly states under paragraph 3: "It is not the man but the measure that is the subject of debate, and it is not allowable to arraign the motives of a member."

Mr. President, it is not the first time that that Senator has violated that rule in this body, and I strenuously object and request that he be spoken to, and that he refrain from any further of that kind of debate.

Enactor Emergency

An Act Relating to Monthly School Tax Payments by Municipal Treasurers to the Treasurer of State. (H. P. 2018) (L. D. 2187)

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

Mr. HUBER: Mr. President and Members of the Senate: I would simply like to explain this bill, L. D. 2187, would provide a voucher system for the payments from school districts to the state, as opposed to the actual transfer of funds to the state and return of the state subsidy as currently practiced. The amount raised locally would be retained locally, and a voucher would be set up with the state concerning the payment that now is actually and physically transferred. Because of this, there will be a requirement to decrease the reverse estimates to the state and decrease appropriations in the area of school subsidy, and in order that we can determine these amounts and make these adjustments within this bill, I would hope that some Senator would move that this item be tabled unassigned.

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

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

Orders of the Day

The President pro tem laid before the Senate the first tabled and Specially Assigned Matter:

HOUSES REPORT — From the Committee on Performance Audit — Bill, "An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation in the Department of Audit, and of Employees of the Fraud Investigation Division in the Department of Audit." (H. P. 1992) (L. D. 2174) Ought to Pass as Amended by Committee Amendment "A" (H-936)

Tabled — March 3, 1976 by Senator Speers of Kennebec.

Pending — Acceptance of Report.
(In the House — Passed to be Engrossed as amended by Committee Amendment "A")

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

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

Resolution, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures. (S. P. 689) (L. D. 2206)

Tabled — March 9, 1976 by Senator Katz of Kennebec.

Pending — Final Passage.
(In the House — Finally Passed)
On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for March 12, 1976, pending Final Passage.

Papers from the House

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

Enactors

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

RESOLVES, Authorizing the Exchange of Certain Public Reserved Lands. (H. P. 2066) (L. D. 2246)

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

Emergency

An Act Extending the Time During Which School Budgets May be Adopted. (S. P. 665) (L. D. 2103)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.